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APPENDICES TO CROSS-PETITION FOR WRIT OF CERTIORARI AND MOTION TO EXPEDITE HEARING

APPENDIX 1

PORTIONS OF THE TRANSCRIPT IN ROY LEE HARRIS v. THE YAZOO COUNTY BOARD OF EDUCATION

[73] Q. I hand you here a copy of that and ask you if this is a certified copy of that? A. This is a resolution that was adopted by the Board of Trustees.

Q. Yes, sir, is that a true and correct copy of it? A. Yes.

BY MR. CAMPBELL: We would like to offer that in evidence on behalf of the Defendant.

BY THE COURT: Let it be entered and be marked.

(MARKED EXHIBIT D-2 IN EVIDENCE.)

BY MR. CAMPBELL: That's all.

BY MR. ANDERSON: No cross-examination, your Honor.

BY MR. CAMPBELL: I would like to call Mr. John S. Holmes.

MR. JOHN S. HOLMES, was thereupon called as a witness on behalf of the Defendants, and having been duly sworn, testified on his oath as follows:

Direct Examination by Mr. Campbell

Q. State your name to the Court, please? A. My name is John S. Holmes.

[74] Q. Where do you live, Mr. Holmes? A. Yazoo City, Mississippi.

Q. What profession do you practice? A. Attorney.

Q. How long have you lived in Yazoo City, Mr. Holmes? A. Fifty-three years, that's my age. All my life.

Q. Do you have any connection with the Board of Trustees of the Yazoo City Municipal Separate School District? A. I am president of the Board of Trustees.

Q. How long have you been a member of that Board? A. This is my tenth year.

Q. Mr. Holmes, are you active in the work of the School Board? A. I would say so, yes, sir.

Q. What type of plan of desegregation of your schools do you now have in Yazoo City? A. We have a freedom of choice plan and we are, of course, operating under a decree of this court.

Q. Could you briefly tell the court with reference to the nature of this plan that you are operating under and when it was placed in effect?

BY THE COURT: We are familiar with the plan.

BY THE WITNESS:

A. I know the court put the plan on us so we won't go into the details of the plan, but the history of the matter is [75] that in 1965 the Board of Trustees of the Yazoo City Municipal Separate School District adopted a freedom of choice plan. That was in the Summer of 1965. I think we differed from most of the school districts in the State in that we were not being sued, there were no pupils trying to transfer from one school to another, there was no H.E.W., it had not sought us out but at that time in view of the law that the Civil Rights had just been passed, and in view of the decision of this District Court with reference to the Jackson case, we felt that we could not longer operate without taking affirmative action to be in compliance with what we knew that the law of the land was. Since I had been on the Board there had been no compulsory segregation in the Yazoo City schools. To this extent any pupil who had applied to go to a school of the opposite race, we were prepared to admit, but we felt at that time we needed to take affirmative action and we did so we adopted the freedom of choice plan based on what this court had approved in other cases and then we were sought out by H.E.W., they made suggestions and in August we passed a plan that provided for desegregation of the

first four grades. Now, at the time we adopted it and at the time we published it in the paper, H.E.W. had not approved it. We were getting no Federal money and we were not being sued, but we put [76] that plan into operation voluntarily and then in October, the H.E.W. with certain amendments did approve the Plan.

Q. Mr. Holmes, did you take any action yourself during that time and have you taken any action since to secure community acceptance of the desegregation of the schools and the faculties? A. At that time we took action and we have taken action since. At the time the plan was published, we placed in the paper, and I think it is probably an exhibit to the Answer in this cause, we placed a plea from the Board of Trustees to the people of Yazoo City to accept this plan and to abide by the law. It was going to be administered on an absolutely fair basis and that we wanted that to continue in Yazoo City what there had been for years and had not been for most places, and that was a harmoneous racial relations with no protests, no incidents, no marches. The atmosphere for the plan was splendid because we had seen or tried to see that it would be.

Q. Did you personally make any efforts with reference to the people in the community? A. Since that time I have gone to untold efforts, I have discussed the plan and explained it to leaders in the community. You know you have always got certain people of a very conservative nature, you might call it radical, [77] I discussed it with them, with leaders of organizations, leaders of civic organizations, explained it to them and I think that the community is completely sold on the freedom of choice plan, the necessity for it and the fact that it must operate without interference of any kind from anybody in the community.

Q. Have you had any increase since last year of integration or admission of Negro students in your formerly White schools? A. Yes, sir, the first year that the plan was in operation, for grades one through four, as I have said, there were no pupils trying to seek a transfer from

one school to another. There was no activity by any groups for any side. I think we had splendid schools, myself, perhaps I am prejudiced, for both the Negro and the White people. The first two years of the plan there were no applicants either from Whites to go to the Negro Schools or Negroes to go to the White Schools, but when the plan came into full bloom, that is, when all the grades were opened, why we had ten Negroes who attended the White schools. One of them was sick or crippled and did not come, so we had nine and this year, sixty-eight, sixty-nine, we had seventy-seven. That is an increase of 800 percent.

Q. Now, do you know why or could you give the Court in your opinion why this freedom of choice plan is working and [78] will continue to work in Yazoo City?

BY MR. ANDERSON: We object to that, your Honor.

BY THE COURT: Overruled.

BY THE WITNESS: (continuing)

A. Well, in the first place, as I have said, we have taken untold pains to sell the people on the plan. The man in the street is familiar with the freedom of choice plan and he defends it now sort of like in the old days they used to defend compulsory segregation, and he has accepted it, he has seen that they have Negroes in the schools and that nothing bad has happened. He has seen that there are Negro teachers in the formerly White schools, there are White teachers in the formerly Negro schools, and he has accepted the plan. He has come on and has brought it on in such a way that we have combatted and kept out private schools. There is a charter there for Manchester Private School to operate, but I am fully familiar with how it is getting along and they are not able to get funds for it. They need some dramatic change, some massive integration and that's what they are waiting for, like an order of this Court zoning or pairing the schools. In addition to that, why, I think that any plan this is going to work over a long period of time, and going to [79] work with educational advantages for everybody has got to be in an atmosphere of harmony and

racial good will and acceptance and we have had that in Yazoo City and the schools and in the community and I believe personally that you are going to see next year, if we are permitted to operate under the plan, you are going to see a very great increase of integration in the schools. I know it is coming because I have talked to people of all races. We have already had an eight hundred percent increase and we are going to have much greater, and they talk about the Whites will not go to the Negro schools, but the plan has a built in assurance that Whites are going to go to Negro schools because when the White schools are filled and the Negroes have come in in large numbers and under the proximity features of the plan, the Whites must go to the Negro schools. So it is my opinion that you will get as much integration—they say, is the plan working? I consider it to be working when you get a substantial percentage of integration and I thoroughly believe that this plan is going to work in that manner, Whites in the Negro schools and Negroes in the White schools in a substantial degree, and that it is going to work in such a way that education of all the pupils will be benefited because there will be harmony and good racial relations. That is my opinion.

[80] Q. You have made and considered plans for zoning and pairing in the schools? A. We have.

Q. What would be the results of that, Mr. Holmes, if you know, if either plan were put into effect? A. We have, of course, considered zoning and pairing from the very beginning of this whole controversy, but recently, after the Green Decision, we gave special consideration to zoning and pairing. We had maps made to show what zoning would do and of course, anybody knows what pairing will do, and we found that there would be a minimum of fifty percent integration and at this time it is my belief that there would be an exodus of the Whites from the schools and that you would have total resegregation, you might call it.

Q. Have you made any efforts with reference to other educators to help the City and the School Board

in planning future benefits to the students? A. Yes, sir, we have authorized employment of Dr. Keye from the University of Mississippi, primarily to help in upgrading the faculties of the schools because we believe that the better faculties you have, the better education you have, the better your freedom of choice plan will work, but we have also hired him to help us in finding a way to get competent teachers who will go into schools of the [81] other race and let us meet the orders of this court as to faculty desegregation. And in addition to that we have hired other educators that we have authorized the hiring of educators from Ole Miss, Mississippi Southern and other schools to help us in various ways to make this freedom of choice plan work. One way that I can think of, and you can't think of everything, is by some type of remedial study courses that will bring—try to bring everybody up to the same level or as close to the same level as possible, and we are seeking help and advice on that.

Q. Mr. Holmes, under your freedom of choice plan and as it is administered in Yazoo City, tell the Court whether or not you have a non-racial unitary system or a dual system of schools? A. We have a unitary non-racial system in the Yazoo City Municipal Separate School District.

BY MR. CAMPBELL: That's all.

BY THE COURT:

Q. Are you familiar enough with this plan in the Jefferson Decree to tell me something about this provision dealing with officials not to influence choice? A. Yes, sir, I think I am.

Q. The question is, has that provision or that prohibition [82] in this plan had any effect or bearing whatever on the low statistical showing that you have? A. It has definitely slowed it down, if your Honor please and I would like to say this, that in the original plan that we adopted in 1965 before H.E.W. approved it, we didn't have that provision. That was something they made us put in the plan. I wrote letter after letter to Mrs. Cole who was handling it for H.E.W. pointing out that we might want to talk to certain qualified Negro students and certain

White students that we thought might be better suited for Negro schools for certain reasons and that we could speed up the integration and do what the Government wanted us to do if she would take it out but they insisted on having it in there and it was then embodied in the Jefferson Decree and we have been absolutely tied, hand and foot, on seeking to ourselves speed up integration in the proper way. We are still tied hand and foot on that and I think that undoubtedly what is responsible for the slowness, but in addition to that, I think that once the barrier was broken and once these people went into the schools and they have been accepted and I'll say this, if there ever was a plan that was administered in good faith, it is in Yazoo City because I was with it the whole time and there was no harassment, there was no intimidation, [83] there was nobody fired, there was no child at whom an epithet was hurled, Mr. Kelly was instructed that if anything happened in that school where any Negro child was imposed upon to come down on it hard and there has been nothing of that sort. I think now that it has been broken it will proceed and it will grow fast, but I do think just what your Honor said, that it is that provision in the plan is what slowed it.

BY THE COURT:

Q. If it were removed, you think it would make a better statistical showing? A. I certainly do.

Cross-Examination by Mr. Anderson

Q. Mr. Holmes, did I understand you to say that under the zoning or pairing plan that there would result some fifty percent of each race in the schools. A. Assuming that the Whites and the Negroes all stayed in the schools, there would be a fifty percent ratio.

Q. And this fifty percent would not be good, as I understand it? A. Oh, no, we are seeking to achieve something like that probably in the long run but as of this time I said that if, at this time, if this Court imposed a fifty percent integration on us, that there would be a complete exodus [84] of the Whites from the schools and the Government would have just what they don't want.

That's entire resegregation of the schools. We feel like we are fighting your case and you are fighting ours. But I believe under freedom of choice you are going to get the same thing in a few years and it will be accepted and will last, but if you give these private school people the chance to use this massive integration at this time, they will get the money, they will get those private schools in and the children will go into them and you will never get them back out.

Q. Suppose that under the freedom of choice plan you get fifty percent integration, what would happen then? A. If we got that under the freedom of choice plan, I think that eventually it would be accepted. I don't think so at this time because it is just like buying something on the installment plan. You get a little of it here and a little of it the next year and a little the next year. You keep out your private schools, they got no place to go and eventually it might be accepted, but at this time it would destroy the public school system as we know it in Yazoo City.

Q. That is, fifty percent under the free choice or the zoning plan would destroy your system? A. At this time.

[85] Q. In terms of years, how long would it take for your freedom of choice plan to result in quite a bit of integration? A. I don't think it is going to take long, the way I see it going in Yazoo City. I think it will be—it will almost come in what the Court says when they say compliance now, because I think it will be within the next several years.

Q. You were on the school board ten years ago? A. That's right.

Q. Your district didn't start at that time with any plan, did you? A. At what time?

Q. Around fifty-eight? A. From the time I got on the school board we have had no compulsory segregation in Yazoo City. It has been traditional segregation by custom and because of the fact that I think we have got splendid schools for both races. Each race continues to

go to their own school, but as I said before, they had made their minds up that upon proper application they were not going to deny any member of any race the right to go to any school in the district because I felt like under your decisions of Brown One and two, that compulsory segregation was out and was out forever and never coming back.

[86] BY MR. ANDERSON: No further questions, your Honor.

BY THE COURT: All right.

(WITNESS EXCUSED.)

MR. W. C. MARTIN, was thereupon called as a witness on behalf of the Defendants, having been duly sworn, testified on his oath as follows:

Direct Examination by Mr. Bridgeforth

Q. Mr. Martin, describe the geographical area of the Yazoo County School District? A. It comprises all of the area of Yazoo County outside the Yazoo City Separate School District, and the Holly Bluff Line Consolidated School District.

Q. Is this a rural school district? A. It is.

Q. What is the governing body of the Yazoo County School District? A. The Yazoo County Board of Education.

Q. What are your duties as the Superintendent of Education for Yazoo County? A. Well, I—

BY THE COURT: —I think we pretty well know that now, Counsel.

[87] BY MR. BRIDGEFORTH: (continuing direct examination of Mr. Martin)

Q. Mr. Martin, as the County Superintendent of Education, did you prepare a racial composition of students attending the schools in the Yazoo County School District? A. I did.

Q. Does this, in addition to the matters heretofore introduced in evidence contain percentages of students to total enrollment within grades? A. It does.

BY MR. BRIDGEFORTH: Your Honor, we would like to introduce this as Exhibit One to this witness's testimony?

BY THE COURT: Has opposing counsel seen this?

BY MR. ANDERSON: No objections.

BY THE COURT: All right, let it be marked.

(MARKED EXHIBIT D-3 IN EVIDENCE.)

BY MR. BRIDGEFORTH: (continuing direct examination of Mr. Martin)

Q. Now, Mr. Martin, the Yazoo County School District is presently under a Jefferson Decree dated November 7, 1967, is that correct? A. That is correct.

Q. What has been your attitude and action in regard to the [88] terms of this decree? A. We have—I have tried fully to provide by the rules and regulations of this decree.

Q. Does this apply also to the members of the Board of Education of Yazoo County? A. It does.

Q. What is the school of Yazoo County which has the largest percentage of Negro students in attendance with White students? A. The attendance center at Bentonia.

Q. Have you prepared, Mr. Martin, a comparison of the attendance of White students and Colored students in that Bentonia School? A. I have.

BY MR. BRIDGEFORTH: May it please the Court we would like to introduce this as Exhibit two to the witness's testimony.

BY MR. ANDERSON: No objections, your Honor.

BY THE COURT: Let it be entered and be marked.

(MARKED EXHIBIT D-4 IN EVIDENCE.)

[89] BY MR. BRIDGEFORTH: (continuing direct examination of Mr. Martin).

Q. Now, Mr. Martin, this school at Bentonia, is this the second year in which there has been actual integration of the schools? A. It is.

Q. How many Negro students attended school at Bentonia last year? A. Twenty-eight.

Q. And how many are attending this year? A. Eighty-four.

Q. During the school year, 1967-68, that's last year, of the 28 Negro students who enrolled there, did all of those students finish that year at the Bentonia School? A. They did.

Q. None of them withdrew? A. Correct.

Q. During that year was there any racial incident of sufficient importance to be brought to your attention as County Superintendent of education? A. None at all.

Q. Do you know of any racial incident at that school of any character during last year? A. I do not.

Q. During the year 1968-69, this current year, have there been any racial incidents at the Bentonia School? [90] A. To my knowledge none.

Q. Turning your attention to the school at Benton, or known as the Benton School, have you prepared a schedule of the racial composition of that school? A. I have.

BY MR. BRIDGEFORTH: We would like to introduce this schedule also, your Honor.

BY MR. BRIDGEFORTH: (continuing examination of Mr. Martin).

Q. Is this also the second year of integration at the Benton School? A. It is.

Q. How many students were enrolled at the Benton School during the 1967-68 School Year, last year? A. Eight.

Q. And how many are enrolled this year, Sir? A. Fifty-nine.

Q. Now, Mr. Martin, during the last year at the Benton School were there any racial incidents of any character in connection with these students? A. To my knowledge, none.

Q. If there had been any of any serious nature, it would have been called to your attention, would it not? A. It would.

Q. Did all of the students who enrolled at the Benton School last year finish the school year at that school?

[91] A. They did.

Q. Now, Mr. Martin, other than one disciplinary case involving a Negro student, has there been any racial incidents of any character at the Benton School this year? A. Not to my knowledge.

Q. And if there had been any serious incidents you would have known it, would you not? A. That's true.

Q. Mr. Martin, what is the percentage of White students attending the schools of the Yazoo County School District who are actually attending classes with Negro students? A. Eighty-nine percent.

Q. And on the other hand, what percentage of Negro students within the school district are attending classes with White students? A. I believe that is five percent.

Q. Might it be five and a half percent? A. I believe so.

Q. Are there other Negro students who may attend classes this year with White students? A. There are.

BY MR. BRIDGEFORTH: Now, your Honor, we won't go into the detail of that. It is an administrative detail within the plan that is in force and effect, but we did want to call that to the court's attention.

[92] BY THE COURT: All right. You haven't asked to have that marked yet.

BY MR. BRIDGEFORTH: I'm sorry, I would like to offer it.

BY THE COURT: All right, let it be entered and be marked.

(MARKED EXHIBIT D-5 IN EVIDENCE).

BY MR. BRIDGEFORTH: (continuing direct examination of Mr. Martin).

Q. Mr. Martin, when did the Board of Education first enter a desegregation order upon its minutes? A. In 1965.

Q. Do you know the date or the month? A. April 22nd, I believe.

Q. Was there at that time any suit pending against the local district or was this a voluntary act? A. This was a voluntary action.

Q. Later, in that year, were there negotiations with the office of Health, Education and Welfare? A. There was, yes.

Q. Was an agreement entered into with that office? A. It was.

Q. Since that agreement has been made has the Yazoo County School District been denied any Federal Funds of any character? A. They have not.

[93] Q. Under the plan agreed upon with Health, Education and Welfare, when were the first choice forms sent out to the students of the Yazoo County School District? A. In December of 1965.

Q. How many grades were covered that first year? A. Two.

Q. How many grades were covered the second year? A. Four.

Q. Was that four additional grades for a total of six? A. Four additional grades.

Q. And how many grades were covered the third year? A. Six grades.

Q. Was that the year of '67-'68? Last Year? A. It was.

Q. This is the first year that all students were included in choice of forms? A. That is correct.

Q. During that year did the Yazoo County School System experience its first actual integration of Negro students moving into the White schools by way of transfer? A. In '67-'68, that's true.

Q. Mr. Martin, do you recall at the beginning of this plan any investigation by agencies of the Federal Government to determine whether or not the plan had been adopted in good faith and was being performed in good faith? [94] A. The one incident I recall is the F.B.I. agent came by and asked for a copy of our freedom of choice form to send to his superior.

Q. Was the first integration that you described at Benton and Bentonia Schools accomplished prior to the

entry of the Jefferson Order that we are now operating under? A. It was.

Q. Now, Mr. Martin, prior to the actual accomplishment of this integration, do you recall any activities on the part of the Board to prepare the way for the actual integration of the students? A. The Board had several meetings with interested parents, P.T.A. members, citizens of the different communities advising them of the right way to do this and their obligation and their duty to obey the court's decree.

Q. Have you noticed what has been your observation as to whether or not there has been an increasing acceptance or a decreasing acceptance of integration under freedom of choice by this rural area that you serve? A. There has been an increasing acceptance as shown by the number of students.

Q. What additional activities of the Board can you point to for the Court to show their efforts along similar lines? A. Through the efforts of the Board, the Mississippi Legislature in regular session passed a law permitting the use [95] of County school busses and also classrooms by the Headstart program.

Q. And have those busses and classrooms generally been utilized in that program? A. They have.

Q. In the Yazoo County Schools? A. That's correct.

Q. Mr. Martin, at the close of the school year in May of 1968, what was the opinion of the Yazoo County School Board and your opinion, as to whether or not freedom of choice under the Jefferson Decree was working in Yazoo County? A. It was the unanimous opinion that it was working.

Q. Did you have problems at that time? A. We did.

Q. What was the problem or what were the problems? A. The main problem was faculty integration.

Q. Had the Board at that time adopted any plan to meet that difficulty? A. It did.

Q. Tell the Court what that plan was? A. The County Board of Education ordered each principal of each attendance center to make every effort to secure able qualified faculty members.

Q. Excuse me, you have already testified to the Court as to [96] what faculty members you secured of the opposite race, but what I am asking you, Sir, is what long range plan has the Board adopted to avoid those difficulties. A. Well, the Board has employed counselling teams from the University of Mississippi, headed by Dr. Keye.

Q. Can you give the Board—the Court the gist of what the proposed plan is so the Court will understand what Dr. Keye is attempting to do? A. Dr. Keye was requested to present to the Board a plan whereby teachers could be secured of above average excellence to teach in schools of the minority race.

Q. This was a situation of desegregation from the Board's point of view in May of 1968? A. Correct.

Q. Did anything happen at that time in connection with the desegregation of the—plan for the desegregation of the school? A. Well, that was the time of the Green decision.

Q. Was that decision brought to your attention? A. It definitely was.

Q. Was it brought to the attention of the Board? A. It was.

Q. Was this the month of June of 1968? A. That is correct.

Q. Following this happening, what further actions did the [97] Board take? A. The first thing, they ordered Dr. Keye to hurry up, and then they went on and secured services of this team from Mississippi Southern and they also had a meeting with Mr. Fatheree of the State Vocation Department on improving the vocational facilities in the County and they also went so far as to secure a coordinator for the program.

Q. What part did the Board visualize the vocational program would play? Could you tell the Court of your visit to a similar installation? A. We visited—I visited

the vocational complex at Rolling Fork and Sharkey County, and we secured plans and specifications and reported to the Board and the Board has surveyed them and at the present time studying them.

Q. What was the purpose of employing the team from Mississippi Southern University? A. To make a survey of the White parents in Yazoo County.

Q. Did you prepare in connection with this survey any information for Dr. Harold Knight? A. I did.

Q. Did Dr. Knight prepare and give to you a form of certain information that he desired in making this survey? A. He did.

Q. Did you submit that form to the principals of the schools under your jurisdiction? [98] A. I did.

Q. Did they prepare a list of White patrons with associated information in accordance with that request? A. Yes.

Q. This was done under your direction and control? A. That's correct.

Q. And you furnished this list and that information to Dr. Knight? A. That is right.

BY MR. BRIDGEFORTH: We would like to offer this form that was used to secure the information as an exhibit to Mr. Martin's testimony.

BY MR. ANDERSON: I object to this, your Honor, and the testimony, as being irrelevant as to whether or not their freedom of choice plan is working.

BY THE COURT: I overrule your objection. Let it be entered.

(MARKED EXHIBIT D-6 IN EVIDENCE).

BY MR. BRIDGEFORTH: (continuing direct examination of Mr. Martin).

Q. Now, Mr. Martin, in addition to the items that you have stated to the Court which were undertaken by the Board as they considered the Green decision, was there any further definite goal of teacher desegregation given to you? A. There was a plan.

[99] Q. Was there any definite numerical present goal of teacher desegregation given to you? A. It was.

Q. What was that, Sir? A. That we set a goal of one teacher of the minority race in each school for each six teachers of the majority race.

Q. Was there any further decision of the Board in connection with the employment of educational consultants to advise with them as to the operation of the freedom of choice plan? A. There was.

Q. What was this action? A. It was to employ a team from either the University of Mississippi or from Mississippi Southern to assist with this program.

Q. Now, Mr. Martin, over what period of time did these deliberations take place by the Board of Education of Yazoo County? A. About three months.

Q. State whether or not the Board adopted a resolution setting out its thought as to how best the freedom of choice plan as it was being operated could be implemented by these additional steps? A. It did.

Q. Do you have the original of that resolution?

[100] BY MR. BRIDGEFORTH: We would like to ask that the original—or a certified copy be offered in evidence, your Honor.

BY THE COURT: It may be entered and be marked.

(MARKED EXHIBIT D-7 IN EVIDENCE)

* * *

[108] MR. H. Y. SWAYZE, was thereupon called as a witness for the Defendants, and having been duly sworn, testified on his oath as follows:

Direct Examination by Mr. Bridgeforth

Q. You are Mr. H. Y. Swayze? A. That is right.

Q. Where do you live, Mr. Swayze? A. Benton, Mississippi.

Q. What is your occupation? A. I am a farmer.

Q. When did you start farming, Mr. Swayze? A. In 1929.

Q. Who did you start farming with, in association with whom? [109] A. With a partnership on a plantation owned by the former Senator John Sharp Williams and his brother who was a banker in Yazoo City, Mr. C. H. Williams.

Q. Are you still associated with the Williams family in this farming venture? A. I am.

Q. Do you also farm properties that you own yourself? A. I do.

Q. How long has the Swayze family lived in Yazoo County, Mr. Swayze? A. I think the first one came there in 1830.

Q. Does your family have broad connections throughout the County? A. It does.

Q. Does the Williams family with whom you are associated have broad connections? A. They do.

Q. Were these connections helpful to you in discharging your duty in desegregating the schools of Yazoo County? A. They were.

Q. When did you become a member of the Yazoo County School Board? A. About ten years ago.

Q. Prior to that time had you been a member of the School Board—the Attendance Center School Board at the Benton [110] School. A. I had, about five years.

Q. When did you become chairman of the Board of Education of Yazoo County? A. Four years ago, the first of this coming January.

Q. What was happening at the time you became chairman of the Board? A. We were in the process of sending out the first freedom of choice plans.

Q. Do you recall the Board deciding to desegregate the schools? A. I do.

Q. Tell the Court how you came to make that decision? A. Well, we decided to desegregate the schools and it was a hard decision, I must say. We decided because we had convinced ourselves that to follow any other course would not—we would not be law abiding citizens, and we are law abiding citizens in Yazoo County

Q. When was the order entered desegregating the schools in the County, Mr. Swayze? A. Well, it was in 1965. I don't remember the exact date. Possibly April, I believe. I am not sure.

Q. At this time, what did you do to inform the people of the District of your actions? A. Well, Sir, I realized, of course, that I couldn't go [111] anywhere without the cooperation of the people, and I decided that the only way to be assured of that cooperation was to talk to them about it and that I did. And we did, the members of the Board. We went over the County talking to individual people and we assured ourselves that we would have the cooperation of the people in Yazoo County if we proceeded with it and integrated the schools.

Q. Has the Board stood by its decision since April 22nd, 1965? A. It has.

Q. Have all freedom of choice periods been fairly administered? A. They have.

Q. When it appeared as a result of the receipt of freedom of choice forms executed by parents of Negro children for transfer to formerly White schools, what action did the Board take? A. I am sorry, I didn't hear the first of your question.

Q. When the Board first received information that Negro parents had executed freedom of choice forms indicating their desire to transfer their children to the formerly White schools, indicating that there would be, as a result of the policy of the Board, the first integration of the schools of the County, what did the Yazoo [112] County Board of Education do? A. Then we began to hold meetings among the people whom we thought were responsible people and we wanted very definitely—desperately to have on our side, and we met with the local boards of education, the local trustees and the interested people, we asked them to come to a meeting in Yazoo City and we talked to them and told them what we had to do and what we were going to do and seeking their cooperation.

Q. Did you receive their cooperation? A. We got their cooperation, I might state.

Q. Do you believe the freedom of choice plan has worked in Yazoo County to desegregate the schools? A. I do.

Q. Now, Mr. Swayze, do you recall the occasion when an order of the Court was entered after suit by the National Association for the Advancement of Colored People Legal Defense Fund, a Jefferson Decree was entered against the school board? A. Yes.

Q. Since that time have you sought to comply fully with the terms of that decree? A. I have.

Q. Now, Mr. Swayze, when were you informed of the Green decision? [113] A. I believe in 1968, wasn't it? I am not sure.

Q. That's the right year, Mr. Swayze. A. I'm sorry, but I don't recall the exact date.

Q. Do you recall being told about the Green Decision? A. Oh, yes, I was told about it in a regular meeting of the Board.

Q. Since that time has the Board considered further steps under freedom of choice plan to fully meet the guidelines that were set out in Green? A. Yes.

Q. Can you tell the Court over what period of time the Board considered these steps? A. From the time we knew about the decree until now.

Q. You saw Mr. W. C. Martin, a witness before this Court introduce a resolution of the Board which he described as a resolution setting out the thought of the Board following this period of effort to further meet the guidelines of the Green Decision. Are you familiar with that resolution? A. Yes, I am.

Q. Does it fairly express the sentiment and intent of the Board of Education of Yazoo County? A. Yes, it certainly does.

Q. Now, Mr. Swayze, is it your opinion—or what is your opinion as to whether or not the freedom of choice plan [114] as it now exists in Yazoo County and as further implemented by the resolution of the Board that we have mentioned, what is your opinion as to whether or not that is adequate to eradicate the last vestige of the former

de jure segregated school system? A. Well, I don't think there is any doubt about it, but that the freedom of choice plan which is operating and succeeding in Yazoo County, is the only system under which we can integrate the schools. I believe it will integrate the schools. It has and it will.

Q. Did your board consider in detail what would happen if the schools of the district were paired? A. Yes.

Q. Or if they were zoned? A. Yes, it did.

Q. Did the Board prepare a map of the County and place thousands of pins in it to locate each child within the County? A. It did.

Q. And determine what the results of zoning would be under this? A. Right.

Q. As a result of that study, what is your opinion should the Court enter an order requiring the school district to either zone or pair the schools of the County and present that final result to the patrons of the county schools. [115] What is your opinion as to whether or not the patrons of the County schools would patronize that school system? A. Well, sir, I think that we couldn't expect too much cooperation if the Court would order a decree now to immediately make integration on the basis of pairing or zoning. I don't think the people of Yazoo County would go along with it. I think the White people who could, I mean who were financially able, would withdraw from the schools and I think those who weren't financially able would do all they could to find another neighborhood to avoid it. I think they would do anything to avoid it. On the other hand, I think if this freedom of choice is allowed to go as it is now, I really and truely believe that we have got it whipped.

Q. Do you feel that the freedom of choice will work to finally remove the last vestiges of this dual school system? A. I very definitely do.

BY MR. BRIDGEFORTH: That's all.

BY MR. ANDERSON: No questions, Your Honor.

BY THE COURT: Mr. Swayze, in your report there—I mean, in your resolution you state the present

objective and goal set by the Board is [116] one teacher of the minority race for each six teachers of the predominant race in each County school. That's correct, isn't it? A. Yes, sir, that is correct.

Q. How long do you think it will take you to reach that goal? A. Judging from—we had a terriffic time in finding two teachers to go into the all Negro school this year. We had a terriffic time, your Honor, but we found them. Now that the ice has been broken, and I say this, we are also—I think it has been brought out here before, but I will be a little bit repetitious, if I may—we are making plans through our employing of Dr. Keye, and our efforts, we are planning to try to upgrade the teachers in Yazoo County. We are going to pay them our of Yazoo County money, so that when we hire teachers we can get the type of teacher that we can assign to a school and they will take it.

BY THE COURT: What did you say? You will be able to pay them more?

BY THE WITNESS: That is our Plan.

BY THE COURT: Are you going to have more money than you have had in the past?

BY THE WITNESS: [117] We are going to pay them with County money.

BY THE COURT: I understand that.

BY THE WITNESS: And we are trying in that direction to have a reservoir of teachers that we can have—we realize that we can't take the teachers that we have now and assign them to a school, they will just quit, but I believe if we get these teachers and we are willing to pay them more than we are paying the others, to go to these schools, I mean, to sign a contract that will let us assign them to a school, I think we will have it made.

BY THE COURT: And your are planning on paying them more money to go to these schools of the minority race?

BY THE WITNESS: Well, everybody. We realize that to upgrade our school, our teachers, it is going to be necessary to pay them more.

BY THE COURT: Would you have to pay Colored teachers more to get them to teach in White schools?

BY THE WITNESS: I don't know, but we couldn't make any distinction.

BY THE COURT: So you plan to do that whether you have to or not?

[118] BY THE WITNESS: That is right; yes, sir.

BY THE COURT: I just want to ask this. How do you plan to get the money? You have a limit, don't you, on your levy?

BY THE WITNESS: Yazoo County now is not in bad shape taxwise for schools.

BY THE COURT: Oh, I see. Well, yours is better than mine. That's what I want to know.

BY MR. BRIDGEFORTH: I can answer that question a little more specific, if you would like me to, Your Honor.

BY THE COURT: I notice in one of the cases we handled, they have had a special act of the Legislature to give them three extra mills.

BY THE WITNESS: I think if you will ask Mr. Bridgeforth, he is more familiar with that than I am and he can give it to you.

BY MR. BRIDGEFORTH: Your Honor, we have some leeway under legislation also by virtue of which we can exceed the 25 mill limit.

BY THE COURT: All right, anything further?

(WITNESS EXCUSED)

* * *

[129] MR. JACK G. WILSON, was thereupon called as a witness on behalf of the Defendants, having been duly sworn, testified on his oath as follows:

Direct Examination by Mr. Bridgeforth

Q State your name please? A Jack G. Wilson.

Q Where do you live, Mr. Wilson? A Vicksburg, Mississippi.

Q. What is your occupation, Mr. Wilson? A. I am a special agent with the Federal Bureau of Investigation.

Q. How long have you been an agent with the Federal Bureau of Investigation? A. Since 1954.

Q. Have you been the agent generally resident in Yazoo County during some period in the immediate past? A. Yes, sir, I have.

Q. Would you state to the Court what that period was, please, sir? A. From July of 1965 to approximately February of 1967.

Q. During this period of time the area under your jurisdiction would have included all of Yazoo County? A. That's correct.

Q. Including Yazoo City and the area of Holly Bluff? [130] A. Yes, sir.

Q. Now, Mr. Wilson, during this period of time, has there ever been brought to your attention any complaint in connection with the functioning of the schools, any schools within Yazoo County? A. No, sir, there has not. Not that I remember of.

Q. This question as I phrased it was limited to Yazoo County. I intended to embrace all of the County and that would be inclusive of the town of Yazoo City. Does your answer still remain the same, sir? A. Yes, sir, it does.

Q. Now, Mr. Wilson, do you recall an occasion when you were asked to make an investigation in regard to the desegregation of the schools in Yazoo County and Yazoo City and the Holly Bluff Line Consolidated School District? A. Yes, sir, I do.

Q. Would you tell the Court of that, please? First who asked the investigation? A. This investigation was requested by John Doar who was then Assistant Attorney General, Civil Rights Division, U. S. Department of Justice.

Q. How many citizens did you interview in connection with this investigation, Mr. Wilson? A. Approximately forty-six or eight.

Q. And during approximately what date was this investigation [131] made? A. Speaking of the County as a

whole, including the City, from October of 1965 through February of 1966.

Q. Did this investigation coincide with the desegregation of the schools of the County and of the City by virtue of orders entered by the different Boards, is that correct? A. Yes, sir.

Q. Would you state to the Court whether or not you were told of any intimidation or any coercion at all in connection with this investigation?

BY MR. ANDERSON: We object to that, your Honor.

BY THE COURT: Overruled.

BY MR. BRIDGEFORTH: (continuing direct examination of Mr. Wilson)

Q. You may answer the question. A. I found no evidence of any intimidation on the part of forty parents of children that I interviewed who had previously executed choice forms in regard to their schools. I found one parent who said that she had been influenced by radio and T.V. programs but she stated that she would not change her child from the school that she selected for it, which was a Negro school, because of these programs.

[132] BY MR. BRIDGEFORTH: That's all we have, your Honor.

BY MR. ANDERSON: No questions, your Honor.

BY THE COURT: All right.

* * *

EXHIBIT D-3

RACIAL COMPOSITION OF STUDENT BODY ATTENDING THE SCHOOLS OF THE YAZOO COUNTY SCHOOL DISTRICT

1. Total number of students attending the Yazoo County School District:

3,691

a. Total number of white students attending said schools:

1,068

b. Total number of Negro students attending said schools:

2,623

c. Percentage of white students to the total enrollment:*

28.9

d. Percentage of white students to total enrollment by grades:

Grade 1	23%
Grade 2	23.8%
Grade 3	26.6%
Grade 4	25.8%
Grade 5	23.4%
Grade 6	24.7%
Grade 7	30%
Grade 8	29.3%
Grade 9	30.8%
Grade 10	40%
Grade 11	38%
Grade 12	49%

*There are no other ethnic groups than white and Negro enrolled in substantial number. Any enrollees of ethnic groups other than Negro are included as white enrollees. In each instance, balance of percentage of enrollees is Negro.

EXHIBIT D-4

RACIAL COMPOSITION OF STUDENTS ATTENDING THE BENTONIA SCHOOL

1. Total number of students attending the Bentonia School:

533

a. Total number of white students attending said school:

449

b. Total number of Negro students attending said school:

84

c. Percentage of Negro students to the total enrollment:

15.8%

d. Percentage of Negro students to total enrollment by grades:

Grade 1	12%
Grade 2	22%
Grade 3	23.5%
Grade 4	10%
Grade 5	12.5%
Grade 6	21%
Grade 7	14%
Grade 8	20%
Grade 9	19%
Grade 10	15%
Grade 11	6%
Grade 12	33%

EXHIBIT D-5

RACIAL COMPOSITION OF STUDENTS ATTENDING THE BENTON SCHOOL

1. Total number of students attending the Benton School:

563

a. Total number of white students attending said school:

504

b. Total number of Negro students attending said school:

59

c. Percentage of Negro students to the total enrollment:

10.5%

d. Percentage of Negro students to total enrollment by grades:

Grade 1.	6.5%
Grade 2.	4.5%
Grade 3.	3.6%
Grade 4.	16%
Grade 5.	20%
Grade 6.	10%
Grade 7.	10%
Grade 8.	10%
Grade 9.	11%
Grade 10.	6.5%
Grade 11.	10%
Grade 12.	5%

EXHIBIT D-7

WHEREAS, the Board of Education of Yazoo County, Mississippi, finds it is desirable to formalize its position and plans for the administration of the public schools of the Yazoo County School District, including its actions to carry out its duties under the Decree of the United States District Court for the Southern District of Mississippi; and

WHEREAS, this Board is of the opinion the patrons of the schools which it administers are entitled to a clear statement of the Board's position for present information and future guidance; and

WHEREAS, the Board desires a statement of policy be available for presentation to the District Court for the Southern District of Mississippi..

NOW, THEREFORE, BE IT RESOLVED by the Board of Education of Yazoo County, Mississippi, that the following embodies its finding of fact and its plans and intentions for the future operation and maintenance of the schools within its jurisdiction:

1. Prior to the enactment of the Civil Rights Act of 1964, with complete respect for the Court, the attitude and actions of this Board were in accordance with the actions of the governors and legislatures of the Southern states and particularly followed the exhortation of the "Southern Manifesto" (signed by members of the Southern Congressional Delegations) wherein, by all honorable means, the citizens of the South were counseled to follow the constitutional principals as recognized prior to the *Brown* decisions and to maintain their system of schools under the original "separate but equal" doctrine.

2. Following the adoption of the Civil Rights Act of 1964, and in light of the decisions which affected the pub-

lic school systems of Jackson, Mississippi, and Savannah, Georgia, the Board concluded that the honorable and lawful discharge of its duties required it recognize and apply the newly enunciated constitutional principals applicable to the public schools of the United States. The Board came to understand that, should it continue to follow the policies advocated as stated above, the members of the Board would be in violation of law and the law-abiding citizens of Yazoo County, Mississippi, would be harmed by the actions of the Board.

3. As basic policies and procedures were being formulated under the Civil Rights Act of 1964, this Board informed itself of such actions and, on the 22 day of April, 1965, voluntarily entered an order beginning the desegregation of those schools administered by it. The order was later modified during the fall of 1965 by agreement with representatives of the Office of Health, Education and Welfare. From the time voluntary agreement for the desegregation of the schools of the Yazoo County School District was approved by HEW, this district has continuously received all federal funds under the programs administered by HEW.

4. The current suit was filed by the National Association for the Advancement of Colored People's Legal Defense Fund after rendition of the *Jefferson* decree by the Court of Appeals for the Fifth Circuit. Through informal hearings, this Board cooperated for the entry of an acceptable decree in the case without delay or formal hearing. Such decree was rendered two months and ten days after the filing of this suit.

5. This Board secured passage by the Legislature of the State of Mississippi of laws permitting its facilities, buses, etc. to be lawfully leased to agencies cooperating with the Office of Economic Opportunity in order that the

"Head Start Program" could be established within the school district. Members and employees of this Board met with patrons and interested citizens to prepare the way for actual integration of the Benton and Bentonia Schools, the principal formerly white attendance centers of the district.

6. At all times this Board has conducted the affairs of the schools within its jurisdiction in accordance with the decree of this Court entered on November 8, 1967. Following the March, 1968, choice period, the Board was of the opinion it was operating its schools within the law and was of the opinion the Board needed only to supervise peaceful and constructive acceptance of indicated racial transfers and accomplish faculty desegregation. However, when new requirements were announced by the Supreme Court in May, 1968, it became necessary for the Board to re-study its duty in the light of the newly enunciated guidelines. As a result of this study the Board finds as follows:

a. Within the district the student bodies of the public schools consist of approximately 72% Negro children and 28% white children. Because of the relative affluence of the white parents of the district and the relatively small number of white (especially in the elementary grades), a plan of pairing schools or geographical attendance zones, producing massive initial desegregation, will result in the withdrawal of the white children from the public school system. Almost complete segregation would result. This would prevent continued desegregation of the student bodies which is now proceeding in an orderly fashion.

b. The Board further finds that, although the freedom of choice plan has not resulted in the transfer of any white students to the formerly Negro schools called Linwood, King and Gibbs, continued use of the freedom of choice plan, in connection with the additional steps hereafter set

out, presents the most practical plan for finally eradicating the last vestiges of the former system of dejure segregated schools;

In order to carry out the letter and spirit of *Green* and companion cases the Board has determined to take the following steps:

(a) To continue the true freedom of choice plan which has been in effect under the existing *Jefferson* decree,

(b) To increase teacher desegregation through the use of an incentive plan now being formulated in consultation with Dr. Richard E. Keye of the University of Mississippi faculty (which plan includes increased salary schedules supported by local taxation for teachers meeting certain standards of excellence and a condition of employment that the teachers agree to accept assignment to schools predominantly attended by members of a different race). The present objective and goal set by the Board is one teacher of the minority race for each six teachers of the predominant race in each school.

(c) To set up a full program of vocational education which in the past has been neglected within the schools and to utilize the program as an effective course of training within the district. The placement of vocational training facilities will be designed to alleviate the problem of all Negro student bodies and to assist in the overall desegregation of the schools.

(d) To obtain counsel and advise of qualified educational consultants for implementing desegregation under the freedom of choice plan to the end that each student attending any attendance center within the jurisdiction of the Board enjoy completely equal educational opportunity.

CERTIFICATE

I, W. C. Martin, Secretary of the Board of Education of Yazoo County, Mississippi, do hereby certify the foregoing is a true and correct copy of a resolution adopted by said Board at its regular October 3, 1968 meeting.

Executed this 8th day of October, 1968.

/s/ W. C. Martin
W. C. Martin

(Seal)

APPENDIX 2

PORTIONS OF THE TRANSCRIPT IN CHARLES HOLLINGSWORTH v. THE ENTERPRISE CONSOLIDATED SCHOOL DISTRICT AND QUITMAN CONSOLIDATED SCHOOL DISTRICT

[1] BE IT REMEMBERED, to-wit: that the following proceedings came on to be heard in the United States District Court for the Southern District of Mississippi on December 3, 1968 at Jackson, Mississippi, before the HONORABLE WILLIAM HAROLD COX, United States District Judge, HONORABLE DAN M. RUSSELL, JR., United States District Judge, and HONORABLE WALTER L. NIXON, JR., United States District Judge for the Southern District of Mississippi.

[2] (Clerk calls case)

BY JUDGE RUSSELL: What says the Plaintiff?

BY MR ANDERSON: Plaintiffs are ready, Your Honor.

BY JUDGE RUSSELL: Is the Government in this case?

BY MR ANDERSON: No, Your Honor.

BY JUDGE RUSSELL: All right, what says the Defendants?

BY MR RIDDELL: I think I should make this explanation to the Court Your Honor I represent the Quit-

Q. Are federal funds part of the funds involved in the program of building that is now being completed at Enterprise school? A. Yes.

Q. How many negro children are not at Enterprise High School? A. I believe we have 96 black children at the Enterprise High School; we have 264 black children at the Central High School for a total of 360.

Q. How many white children are now served by the Enterprise Consolidated School District? A. 414.

Q. Does Enterprise Consolidated School District have any other attendance centers? A. It does not.

Q. Upon what statistics you have just mentioned based? A. Initial enrollment of the present 1968-69 school year.

Q. Do you anticipate the enrollment of any more black students this year? [86] A. I think so. We have 27% of the negro students now attending our black people are rather slow and reluctant to enroll and I am satisfied that we will reach 30% of the grade level.

Q. You've indicated that the ratio of black to white is 60% white and 40% blacks. What is the ratio of blacks attending school in Enterprise Consolidated School District? A. The student ratio differs from the overall ratio. The student ratio is 55% white to 45% black, as the colored families tend to have more children per family than do the white.

Q. You've indicated that 27% of black students in the district attend school with whites, is the district what is the percentage of all students in the Enterprise Consolidated School District that are attending school racially mixed? A. We have 63% of the students within the Enterprise Consolidated District attending racially mixed situation.

Q. How long have the students in the Enterprise School District been free to attend the school of their choice? A. I would say since the district's organization in 1967.

Q. Why is that? [87] A. Well we have never had a policy of racial segregation in the district since its or-

organization and to my knowledge no student has ev
been denied admission to any of the schools in the distri
Also the Enterprise School District ranks enrollment wi
among the smallest in the state and we take studen
wherever we can get them.

Q What is the policy of the district for transferrin
students in and out of the district? A We believ
that people have the right to make their choice and there
fore in keeping with this beliefe we have the policy of fre
transfer, and children are accepted from the surroundin
areas.

Q I believe that we can stipulate if Counsel wi
certain facts of record that needs to be brought to ou
memory. I submit them to Counsel in interest of time
that the patrons filed a petition with the district on March
9, 1965 calling our attention to the ruling in the Brown
case, that we adopted a voluntary plan on May 1st, 1965
after receiving the guideline acts of the Civil Rights Act
on May 1, 1965, that this complaint was filed on May 21st
1965, that a preliminary injunction was issued from this
case on June 3, 1965, which required among other things
the submission a plan of desegregation by June 15, 1965
[fol. 888] and required admission of children to schools on a
racially non-discriminatory basis with all deliberate speed
as required by the U. S. Supreme Court and required under
Brown vs. U. S. Board of Education of Topeka, that the
district adopted a plan in response to that injunction on
July 1, 1965 which was filed on July 15, 1965 and provided
for initially two grades the first year, two grades the sec
ond year, two additional the three years and three grades,
known as a two, two, two three, three plan of segrega
tion. That that plan was objected to by the Plaintiff and
on July 22, 1965 that the district was then required to
file a plan that is in compliance with a new ruling being
by the Singleton case. That the district pursuant to an
order of July of 1965, adopted further revised plan on
July 27, 1965, providing for the integration of grades 1,
2, 3 and 12 beginning in September of 1965. This plan was
approved by the Court on August 3, 1965, with the under
standing that an amendment would be made with refer

are on a rise again, these people are coming back which shows that their attitude has changed.

[96] Q. We have no further questions.

BY JUDGE RUSSELL: All right, anything further from the Plaintiffs?

BY MR. ANDERSON: We have nothing further, Your Honor.

BY JUDGE NIXON: What is it that your clients desire that is not being done by this school district?

BY MR. ANDERSON: Quite a bit, Your Honor, for a number of things we still have in this district one black school.

BY JUDGE NIXON: Isn't that by choice rather than by compulsion, or do you have any evidence to the contrary to offer?

BY MR. ANDERSON: I don't think that's the point, at least I don't think it is. Although they do have the freedom of choice to select the white schools. I do think that another plan would make this easier and would make these schools system a one school system rather than having a negro in an all white school.

BY JUDGE NIXON: You mean you don't think that an effort has been made to make this Enterprise Consolidated School System a unified school system? In all candor and honesty?

[97] BY MR. ANDERSON: Yes Your Honor, I think there has been quite a bit of progress made in quite a few of the districts in the past three years, but if you go back and look at it from 1954 Your Honor we have made no progress within that time limit.

BY JUDGE NIXON: Are you asking that the Brown decision be implemented or that the Jefferson Decree be?

BY MR. ANDERSON: No, I was just speaking of progress, Your Honor, if we are allowed to proceed in a number of districts, not necessarily this district, just piecemill of what the defendant's request is to continue with freedom of choice because it would allow us less desegregation and that's the main reason that I feel that a number

of these want to maintain the freedom of choice in order to detain the low amount of desegregation in these districts.

BY JUDGE NIXON: All right.

BY JUDGE RUSSELL: Both sides rests?

BY MR. ANDERSON: Yes, Your Honor.

[98] BY JUDGE RUSSELL: What says the defendants?

BY MR. COVINGTON: We rest, Your Honor.

BY JUDGE RUSSELL: All right, let the record show that both sides rests.

BY JUDGE COX: I want to congratulate Counsel for both sides in this case for staying on the issues.

BY MR. COVINGTON: Thank you, Your Honor.

BY JUDGE COX: It was real refreshing.

[99] COURT REPORTER'S CERTIFICATE

I, William A. Davis, Official Court Reporter in and for the United States District Court for the Southern District of Mississippi, do hereby certify that the foregoing 98 pages contain a true and correct transcript of the proceedings had in this cause as recorded by me and transcribed under my supervision to the best of my skill and ability.

Witness my signature this the 19th day of December, 1968.

/s/ William A. Davis
Official Court Reporter

STIPULATION

It is agreed by and between the parties hereto that the following stipulation may be introduced at the hearing of plaintiffs' Motion for Supplemental Relief now set for hearing before the United States District Court for the Southern District of Mississippi, Eastern Division, on December 3, 1968, or as soon thereafter as can be heard, said stipulation being as follows:

1. That the attorneys for the plaintiffs have not received any complaint from any parent or any pupil residing in the geographical area of the Enterprise Consolidated School District or from any one attending any of the schools in said District concerning or in any way pertaining to the operation of the present "desegregation plan" as now in effect in said District, and the present pending motion, hereinabove referenced, is not predicated upon or based upon any written complaints received from any such pupil or their parents.

2. That insofar as the operation of said freedom of choice plan now in effect in said School District is concerned, the pupils and parents in said District have been free from any overt coercion, intimidation or interference from any parties in any way connected with the school system or from anyone else in connection with the school in the District to which they make application to attend.

THIS DONE, this 3rd day of December, 1968.

/s/ Robert E. Covington, Jr.
Attorney for The Enterprise Consolidated School District, et al.

/s/ Reuben V. Anderson
Attorney for Plaintiffs

AFFIDAVIT OF T. R. CHISOLM, SUPERINTENDENT, AND J. K. SHORT, CLYDE STEWART, B. F. JONES, J. C. GRAHAM, M. D., AND BILLY WILLIAMS, TRUSTEES OF THE ENTERPRISE CONSOLIDATED SCHOOL DISTRICT PURSUANT TO ORDER DATED JULY 31, 1969

Personally appeared before me, the undersigned authority in and for said county and state, T. R. Chisolm, Superintendent, and J. K. Short, Clyde Stewart, B. F. Jones, J. C. Graham, M. D., and Billy Williams, Trustees of The Enterprise Consolidated School District of Clarke County, Mississippi, who being by me first duly sworn stated as follows:

1. That T. R. Chisolm is the Superintendent and J. K. Short, Clyde Stewart, B. F. Jones, J. C. Graham, M. D., and Billy Williams, are the Trustees of The Enterprise Consolidated School District of Clarke County, Mississippi, and that said affiants make this Affidavit pursuant to the Order of this Court dated July 31, 1969, in order to present the additional facts herein set forth to the Court in support of the desegregation plan heretofore filed by The Enterprise Consolidated School District in the above styled and numbered cause.

2. The general highway map of Clarke County, Mississippi, attached hereto as "Exhibit A" and the information thereon with regard to geography, political boundaries, school boundaries, and statistical information relative to pupils and their residence is true and correct.

3. The statistical information relative to schools wholly or jointly owned by The Enterprise Consolidated School District and the residence and attendance patterns of students attending said schools contained on "Exhibit B" hereto is true and correct.

4. Attached as "Exhibit C" hereto is a true copy of the existing contract between The Lauderdale County School District and The Enterprise Consolidated School District relative to the operation of Clarkdale Attendance Center and students residing in the Clarkdale Attendance Zone of The Enterprise Consolidated School District and the Meehan Attendance Zone of The Lauderdale County School District.

5. Attached as "Exhibit D" hereto is a true copy of a proposed amended contract between The Lauderdale County School District and The Enterprise Consolidated School District relative to the operation of the Clarkdale Attendance Center and pupils residing in the Clarkdale Attendance Zone of The Enterprise Consolidated School District and the Meehan Attendance Zone of The Lauderdale County School District.

6. Attached as "Exhibit E" hereto is a true copy of the existing contract between The Quitman Consolidated School District and The Enterprise Consolidated School District relative to the transfer of pupils residing in the Stonewall Attendance Zone of The Quitman Consolidated School District (which formerly was a part of The Enterprise Consolidated School District) to schools administered by The Enterprise Consolidated School District.

7. The present outstanding bonded indebtedness of The Enterprise Consolidated School District reflecting funds borrowed to provide school facilities in the District is $331,000.00.

8. The present balance due the State Educational Finance Commission of the State of Mississippi for funds loaned to The Enterprise Consolidated School District to construct facilities for the pupils in said District is $88 838.94.

9. Initial enrollments of pupils attending schools administered by The Enterprise Consolidated School District for the past five years is:

	Enterprise High School			Central High School	Grand Total
Year	Black	White	Total	Black	
1964	0	498	498	457	955
1965	26	469	495	385	880
1966	67	430	497	284	781
1967	97	408	505	238	743
1968	96	414	510	264	774

10. The foregoing records reflect a decrease in total initial enrollment in The Enterprise High School and Central High School from 955 in 1964 to 744 in 1968, being a decrease of 181 pupils, or a decrease of nineteen per cent (19%) of the 1964 initial enrollment. Under Mississippi Law, most of the funds used by a school district in the operation of its schools are received either from the State of Mississippi or the United States of America on the basis of average daily attendance of pupils enrolled in schools administered by the district.

11. The foregoing facts demonstrate beyond doubt that The Enterprise Consolidated School District is dependent for its financial solvency, the quality of its educational program and its very existence upon pupils who reside outside of The Enterprise Consolidated School District but who have elected to attend the schools administered by The Enterprise Consolidated School District.

12. The Quitman Consolidated School District is a party to this same suit, and both the plans of the Department of Health, Education and Welfare and the Board of Trustees of The Quitman District call for the closing of

Stonewall Elementary School, which is located in the Stonewall Attendance Zone of The Quitman Consolidated School District and presently accommodates approximately 155 white pupils in grades one through six.

13. If and when Stonewall Elementary School is closed, the Enterprise Elementary School must be prepared to accommodate additional students from the Stonewall Attendance Zone of The Quitman Consolidated School District who will, without doubt, elect to attend school at Enterprise.

14. The Lauderdale County School District is under Court order in Cause No. 1367(E) on the docket of this Court. The plan submitted by the Department of Health, Education and Welfare calls for the closing of Clarkdale High School, while the plan submitted by the Board of Trustees of The Lauderdale County School District calls for increasing Clarkdale High School by the addition of black students who formerly attended Middleton High School. It is the considered opinion of the undersigned affiants that Clarkdale High School should be maintained as a twelve grade attendance center for all pupils residing within the Clarkdale Attendance Zone of The Enterprise Consolidated School District and in the Clarkdale Attendance Zone of The Lauderdale County School District.

15. In the event that Clarkdale High School is closed or is converted to an elementary school serving only grades one through eight, Enterprise High School must be prepared to accommodate students in the Clarkdale Attendance Zone of The Enterprise Consolidated School District and who formerly attended Clarkdale High School in the event that any such students should then choose to attend Enterprise High School.

16. Under any zoning plan placed into effect in The Lauderdale County School District, the black students residing in the Meehan Attendance Zone of The Lauderdale County School District who formerly attended Middleton High School will be required to attend school in The Enterprise Consolidated School District pursuant to existing and proposed amended contracts between The Lauderdale County School District and The Enterprise Consolidated School District. Enterprise High School and Enterprise Elementary School must be prepared to accommodate such students.

17. The Jasper County Consolidated School District, which is adjacent to The Enterprise Consolidated School District on the west and from which The Enterprise Consolidated School District receives 61 white students residing in the Rose Hill Attendance Zone is not under Court order, operates two all black schools and has no significant desegregation. The Enterprise Consolidated School District must be prepared to lose the students presently attending Enterprise School and residing in the Rose Hill Attendance Zone if they should flee further integration of The Enterprise School, and at the same time, The Enterprise Consolidated School District must be prepared to accommodate additional black and white students residing in the Rose Hill Attendance Zone of the East Jasper County Consolidated School District in the event such students should elect to attend school at Enterprise.

18. The Newton County School District, which joins The Enterprise Consolidated School District on the northwest corner thereof is not under Court order, operates more than one black school and has no significant desegregation. The Enterprise Consolidated School District must be prepared to accommodate additional students residing in

Newton County who may elect to attend school at Enterprise in the event that the Newton County schools are desegregated, and at the same time, The Enterprise Consolidated School District must be prepared to adjust to a loss of students from The Enterprise Consolidated School District to The Newton County School District in the event such students flee The Enterprise Consolidated School District because of integration.

19. Enterprise High School is the most integrated school in the State of Mississippi, of which your affiants have knowledge. As reflected by "Exhibit B" ~~hereto~~, twenty seven per cent (27%) of the black pupils attending school in the district attend with white pupils at The Enterprise High School. This is eleven per cent (11%) greater than the erroneous statistic of sixteen per cent (16%) relied upon by the United States Court of Appeals for the Fifth Circuit in its Opinion of July 3, 1969.

20. As reflected by "Exhibit D-3 (Enterprise)" to the testimony introduced at the hearing in this cause on December 3, 1968, a copy of which is attached as "Exhibit F" hereto, the plaintiffs stipulated that there had been no harassment or other intimidation of black students resulting from any efforts on their part to attend Enterprise High School.

21. In the Opinion of this Court in this case rendered May 13, 1969, the Petition of the Plaintiffs was dismissed on a motion of The Quitman Consolidated School District, and this Court has never considered the merits of the testimony adduced at the hearing in this case on December 3, 1968, with regard to The Enterprise Consolidated School District. It is clear from the record that except for the continued existence of an "all Negro" school in The Enterprise Consolidated School District, "Freedom

of Choice" has worked and is working in The Enterprise Consolidated School District.

22. It is the considered opinion of your affiants that "Freedom of Choice" is in fact working in The Enterprise Consolidated School District, but that if the district is not to be permitted to continue the use of the "Freedom of Choice" plan of desegregation because of the continued existence of an "all Negro" school in the district, then the only possible alternative plan requires that Central School be closed and all of the students accommodated at the Enterprise High School. *Both the Department of Health, Education and Welfare and the Board of Trustees of The Enterprise Consolidated School District agree on this point.* It is the firm belief and considered opinion of the undersigned affiants that white pupils residing in The Enterprise District will flee to other schools rather than attend Central School because of its previous character as an "all Negro" school.

23. The operation of two high schools in the past in The Enterprise Consolidated School District has required the employment of "excess faculty" because of the small size of Central High School. If Central High School is to be closed and consolidated with Enterprise High School, then more than two years is required in which to effect the transition in order to avoid the involuntary discharge of any teachers in the district. It is the opinion of the undersigned affiants that if the plan submitted by the Board of Trustees of The Enterprise Consolidated School District is approved, and they are permitted to effect the consolidation of the two schools over a three year period at the rate of four grades a year, the "excess faculty" can be accommodated through voluntary attrition, retirement, and relocation rather than involuntary termination.

24. The undersigned affiants are advised and believe, and upon such information and belief state that because of policy established by the executive branch of the United States Government, representatives of the Department of Health, Education and Welfare could not and did not in preparing their proposed plan consider the foregoing facts regarding the effect of the decrease or increase in pupil enrollment in the district by reason of out of district transfers, and that because of similar policy, could not and did not consider a plan which required more than two years to accomplish. Affiants believe that failure to consider such facts in this case and rigid inflexibility with regard to time is in violation of the responsibility of the school board, and this Court as defined in Brown II which states that the school board and the Court must consider each case on its own peculiar facts and merits, and devise such plan as the facts of the case require. A uniform national policy as to details and time tables is not required and is not in the best interest of the pupils.

25. If the plan submitted by the Board of Trustees of The Enterprise Consolidated School District is approved by this Court, it is the considered opinion of the undersigned affiants that The Enterprise Consolidated School District can and will accommodate all pupils of any race who may *choose* to attend Enterprise Elementary School.

26. It is apparent from the foregoing facts that The Enterprise Consolidated School District cannot accommodate at the Enterprise School immediately all pupils who *might* choose to attend Enterprise School on a transfer basis, while at the same time, it is entirely possible that pupils presently attending Enterprise School may flee the district to escape a high degree of integration, and for such reason there may be more facilities at Enterprise School than will be required. In any case, it is the consid-

ered opinion of the affiants that if the plan submitted by The Enterprise Consolidated School District providing for the closing of Central High School over a period of three years is approved, that over such period of time The Enterprise Consolidated School District will be able to provide whatever facilities are required at the Enterprise School to accommodate all pupils who may choose to attend said school by transfer or otherwise.

IN TESTIMONY WHEREOF, said affiants have hereunto affixed their signatures on this the 20th day of August, 1969.

T. R. Chisolm	J. K. Short
Clyde Stewart	B. F. Jones
J. C. Graham, M. D.	Billy Williams

Sworn to and subscribed before me, this the 20th day of August, 1969.

.....
Notary Public

My Commission Expires: .....

CERTIFICATE OF SERVICE

I hereby certify that on this the 20th day of August, 1969, I caused to be served by United States mail, postage prepaid, a copy of the foregoing Affidavit of T. R. Chisolm, et al., upon Reuben V. Anderson, Fred L. Banks, Jr., John A. Nichols, and Melvyn R. Leventhal, Attorneys at Law, 538 1/2 North Farish Street, Jackson, Mississippi 39202.

Robert E. Covington, Jr.

STATISTICAL INFORMATION RELATIVE TO SCHOOLS WHOLLY* OR JOINTLY OWNED BY THE ENTERPRISE CONSOLIDATED SCHOOL DISTRICT

Enterprise Consolidated School District enrollment, ninth month, 1968-69 session:

Central School (Grades 1 - 12)	263 B
Enterprise School (Grades 1 - 12)	405 W
	100 B
Total District Enrollment	768

RESIDENCE AND ATTENDANCE PATTERNS OF STUDENTS ATTENDING THE ABOVE SCHOOLS:

1968-69 Ninth Month Enrollment	Schools: Central B	Central W	Enterprise B	Enterprise W	Clarkdale B	Clarkdale W
1. Enterprise Attendance Zone students of the Enterprise Consolidated School District	163	0	38	229	0	0
2. Stonewall Zone students of the Quitman Consolidated School District	73	0	62	54	0	0
3. Rose Hill Zone students of the East Jasper County Consolidated School District	0	0	0	61	0	0
4. Meehan Zone students of the Lauderdale County School District	0	0	0	61	0	0
5. Clarkdale Zone students of the Enterprise Consolidated School District	27	0	0	0	0	205
6. Clarkdale Zone students of the Lauderdale County School District	0	0	0	0	0	288
PROJECTED ESTIMATES 1969-70 SESSION ENROLLMENT						
1. Enterprise Attendance Zone students of the Enterprise Consolidated School District	125	0	76	229	0	0
2. Stonewall Zone students of the Quitman Consolidated School District	44	0	91	54	0	0
3. Rose Hill Zone students of the Lauderdale County School District	0	0	0	61	0	0
4. Meehan Zone students of the Enterprise Consolidated School District	20	0	25	61	0	0
5. Clarkdale Zone students of the Enterprise Consolidated School District	28	0	0	0	12	205
6. Clarkdale Zone students of the Lauderdale County School District	0	0	0	0	100	288
TOTALS: 1968-69	263	0	100	405	0	493
1969-70	217	0	192	405	112	493

* 1. The Enterprise High School and the Central High School are wholly owned and administered by the Enterprise Consolidated School District

2. The Clarkdale High School is jointly owned by the Enterprise Consolidated School District and the Lauderdale County School District and administered by the Lauderdale County School District pursuant to contractual agreement between the two referenced districts.

APPENDIX 3

PORTIONS OF THE TRANSCRIPT IN JOHN BARNHARDT v. MERIDIAN SEPARATE SCHOOL DISTRICT

[3] *Direct Examination of* PAUL L. FRANKLIN

BY MR. COMPTON:

Q. What is your name, sir? A. Paul L. Franklin.

Q. And where do you live? A. In Meridian, Mississippi.

Q. And by whom are you employed? A. By the Meridian Municipal Separate School District.

Q. And what is your title? A. Assistant Superintendent for Business Affairs.

Q. Do you hold any academic degrees? A. Yes. I have a B. S. degree from Livingston University, [4] Livingston, Alabama in Business Administration, and a Master's degree in Educational Administration from the University of Southern Mississippi.

Q. Describe your duty,—how long have you been employed by this Separate School District? A. Since April 28th, 1947.

Q. Describe your duties. A. I have the responsibility to the Superintendent for the administration of the business operation of the Separate School District. This embraces everything except those things that are termed instructional. It covers budgeting, finance, transportation, cafeteria operation, school house planning and construction, maintenance, operation, insurance, etc.

Q. Were you familiar with these affairs of the Meridian Municipal Separate School District in 1953? A. I was.

Q. Did the Meridian Municipal Separate School District have a dual system at that time? A. We did.

Q. Name the items that this district did in the realm in which you have just discussed, that were dual in 1953. A. Well, in 1953, we had no teacher salary schedule. All

teachers were employed for what you could get them for, [5] and the Negro teachers were paid less, considerably less than the White teachers. We had no salary schedule for non-instructional or classified personnel, and the Negro employees were paid less. Our school bus transportation at that time, the older busses were used to transport the Negro youth and the newer busses were always used for the transportation of the White children. We had no Physical Education program or Public School Music program in the Negro schools, whereas we did in the White. We had no uniform budgets for the School System as a whole, but rather separate budgets for the Negro schools and the White schools. And the allocations to the Negro schools were always less. We had no uniform building construction, and the buildings that housed the Negro children were less adequate than those for the White. The equipment, we had no standardization of equipment in the classrooms, and the equipment in the classrooms of the Negro school was less adequate than in the White. We, in our cafeteria operation, we had separate menues for the Negroes and the Whites. This was based on the theory that the Negro child would not eat the same kinds of food that a White child would eat. In our free lunch program, the White children were favored in this. We had no uniform allocation of teachers and the White teachers had fewer pupils per teacher than did [6] the Negroes. We had fewer non-instructional or classified personnel in the schools that were Negro. Actually, two-thirds of the Negro teachers had less than a college degree at that time.

BY THE COURT: Mr. Compton, what's the purpose of going back to 1953? I think we all know about what conditions were back at that time. We are trying to what it has been the last year or two, since 1967.

BY MR. COMPTON: That is the next question, Your Honor.

BY THE COURT: Well, let's get along with it. We know what the conditions were throughout Mississippi, I think.

MR. COMPTON CONTINUES:

Q. What are the conditions today in the Meridian Separate School District with reference to these items about which you have just testified? A. We presently, and of course, since that time, we've been working toward this. We have a teacher salary schedule. All teachers are employed without regard to race on a single salary schedule, being paid the same, based upon their experience and qualification. We have salary schedule for all non-certificated or classified employees, and these are paid on the same salary schedule based upon their experience and training without regard to race. Our school buses are operated without regard to race, and as a bus [7] becomes in need of replacing, it's replaced without regard to race. We do have uniform budgeting, the allocations are made to the individual schools in operation, based upon the per pupil allocations, and this is without regard to race. We have uniformity in our building construction and this is also without regard to race. Our buildings have been corrected. The inadequacies and our buildings and equipment throughout the School District will be comparable without regard to race. We have central planning of menues for our school system. This is done with a committee of cafeterial managers from each individual school. This is on an integrated basis. We have in service training for our non-instructional or classified employees strictly on an integrated basis and this has taken place for at least ten years, now. We have all of our teachers now, with the exception of a few vocational shop teachers, have a degree or better, in regardless of what school they teach or regardless of the race.

Q. Have all of the items been brought and made uniform throughout the system without regard to race or—? A. Yes, they have.

Q. What is the size of the Meridian Municipal Separate School District? A. The Meridian Municipal Separate School District embraces approximately seventy-eight square miles. Within that area, [8] approximately twenty-eight square miles is within the municipal boundary.

Q. Where, within the district, does the bulk of the Negro population reside? A. I would say that the bulk of the Negro population would reside in the inner city, as I would refer to it.

BY THE REPORTER: What?

BY THE WITNESS: Inner city.

BY THE COURT: I still don't understand what you're saying. Inner what?

BY THE WITNESS: Inner city.

MR. COMPTON CONTINUES:

Q. And where would the bulk of the population, the White population, of the district reside? A. It would be in the suburban areas.

Q. Approximately what percent of the total Negro population resides within the inner city? A. I would estimate 85% would live within the inner city.

Q. Approximately what percent of the White population of the district reside within the suburban area, as you have described? A. Approximately 75%.

Q. How many schools, total number, do you have in the district? A. We operate nineteen schools.

[9] Q. How many of these are elementary schools? A. Thirteen elementary schools.

Q. Of the thirteen elementary schools, how many are traditionally Negro schools? A. Five.

Q. And the remaining— A. Eight.

Q. —are traditionally—? A. White, yes.

Q. Do you operate any junior high schools? A. We operate four junior high schools.

Q. And how many of these are traditionally Negro? A. Two.

Q. How many high schools do you operate? A. Two.

Q. And how many of these are traditionally Negro? A. One.

BY THE COURT: How many White?

Q. How many White high schools? A. One White high school.

BY THE COURT: And one Colored school? A. Yes, sir.

Q. Speak up. Generally, where are the traditionally Negro schools located? [10] A. Generally, within the inner city.

Q. And generally, where are the traditionally White schools located? A. Well, the majority of them would be in what I would term the suburban.

Q. Does the school system operate any transportation? A. Yes.

Q. Approximately what percent of your total enrollment do you transport? A. Approximately 4%.

Q. How many busses do you operate? A. We are presently operating eleven busses.

Q. And how are these busses routed with reference to race? A. They are routed without regard to race.

Q. Within the area that your department covers and your duties, do you know of any phase or facet of the school system that is not unitary? A. No, sir. I know of none.

Q. Mr. Franklin, when were these steps taken toward a unitary school system, and with reference to that, I mean did this take place within the last year or so? A. No, this took place gradually over a period of time, beginning with 1954. In 1954, we adopted a salary schedule for teaching personnel. This was the first step, I would [11] say, to this.

Q. And, what was the next step? A. Well, in 1958, we began integrated in-service program for our non-certificated personnel.

Q. And what was the next step? A. During this same period of time of, say '57, 1957-'58, we began an extensive construction program to try to make our schools uniform and all of them adequate.

Q. The other matters, the other items that have been made unitary, did they take part from year to year? A. Yes, they did. Of course, in 1958, we began uniform menues throughout the school system.

Q. When did you testify that the professional personnel policies was adopted by the board on the first occasion? A. I'm not, I don't remember the exact date on that, but I think it was in '54, but this can be verified by the Superintendent or Assistant Superintendent for Instruction.

* * *

[25] BY THE COURT: So whether or not they ride a bus, if they're entitled, if any child is entitled to ride a bus, depends on the school that they select?

BY THE WITNESS: That is right. He rides the bus that goes to the school that he has made a choice to go to.

BY THE COURT: All right.

MR. COMPTON CONTINUES:

Q. During the day, are these drivers assigned to transport children on a non-racial basis? A. They are.

Q. Does it frequently occur that a Negro bus driver will transport the predominently White children on a field trip? A. Oh, yes. Quite often.

Q. And the contrary likewise occurs? A. Yes.

Q. How is the riders on a specific bus determined? A. The riders on the bus are determined, I think, if I know what you're asking, is that we route buses in all of the outlying areas and we designate the school that they will attend. Now, all the children that live in those areas can choose a school, and it may be one that is predominently Negro or predominently White, and they will select the bus [26] that is going to that school that they have selected to attend.

* * *

[27] *Direct Examination of* ARNOLD VINCENT

BY MR. DEEN:

Q. State your name and address, please, sir. A. Arnold Vincent. I live in Meridian.

BY THE COURT: Your last name, please.

[28] BY THE WITNESS: Vincent. V-i-n-c-e-n-t.
BY THE COURT: Thank you.

* * *

[31] Q. And what did you do in that regard? A. Well, at that time, of course, when I came to Meridian, the in-service programs were desegregated. There was a lot of mixing of staff and teaching personnel even at that time. And they were working in schools in which they were in the minority. Several people were. I think two had specific assignments at that time.

Q. All right, sir. Now, go to 1966-67, or the summer before the school year of 1966. A. Well, since that time, I estimate that I would have interveiwed about 500 applicants for teaching positions in Meridian public schools. I would estimate that we have employed about half that number. Now, it has been, we have made a special effort to recruit people who we thought could teach successfully in a desegregated situation and in a school which they would be a minority race.

Q. In screening or interviewing applicants for teaching jobs, what standard or qualification, if any do you apply and if there is one, is it uniformally applied to all? A. It is. It is the responsibility of my office under the Superintendent to do the recruiting and screening of applicants. We involve other people in central office staff and in the schools in the interviews before we make assignments, but we require certified teachers, of course, [32] with degrees in Mississippi. We try to secure the best qualified people that we possibly can for the particular assignment or vacancy that exists.

Q. Would it be a fair statement to say that you are looking for the best available person for a particular job? A. Yes, sir, and without regard to race or creed.

Q. What evaluation of teachers or prospective teachers do you make with regard to teaching or working in a desegrated situation? A. Well, from the very beginning, the first year that we really worked at this, which was two years ago, we set up the criteria or qualifications that we thought should apply for people who would assume this

new responsibility, and our requirements were such that we ourselves knew that we could automatically eliminate a number of our teachers who could not, whom we did not think would, qualify for this assignment. We went down the list though, and did screen and interview quite a number of our teachers who were there at the time and this was our source of professional people to desegregate or to move into schools in which they were a minority at that time.

Q. And why? A. We thought it would require the best qualified teachers that were available and we had, we thought, the best [33] school teachers in Mississippi, and we selected the people from this group to move into the school of an opposite race, of a majority. Now, we were sure that we needed people who had experience, preferably teachers who had had some training or orientation in this direction. Not all teachers could successfully teach in a situation in which they're in the minority race.

Q. Is there a compulsory arrangement of assignment of teachers in your district, Mr. Vincent? A. No, sir. We use persuasion as much as we can, and I might point out in this first year we were not having too much success, so the Superintendent spent most of the summer I know interviewing people and succeeded in getting some to go in assignments where others of the central staff had failed.

Q. What other efforts did you make in the summer or prior to the summer of 1966 for the '66 school year towards obtaining teachers to teach in a desegregated situation? A. Well, we were running some school programs in a number of our schools in the summer of '66 for instance. We took all of our elementary White principals and quite a number of our teachers and gave them assignments in schools in which they would be in the minority to give them the experiences that would qualify them to teach, to accept an [34] assignment in a school in which they would be in the minority. And we gained considerable experience in this respect. Soon after this—Now, at this time, a number of our people attended institutes throughout the country. We had some of our teachers in institutes as far away as New York, St. Louis, all over the

country, Florida. I, myself, have attended a number of institutes.

Q. For what purpose? A. For the purpose of equipping myself to achieve the purposes of the freedom of choice and the desegregation of schools, faculty and student body.

BY THE COURT: Do you pay your teachers any bonus salary to teach in a school of opposite race?

BY THE WITNESS: No, sir, we have not.

BY MR. MURPHY: Mr. Vincent, I couldn't hear the Judge's entire question. Would you please let him finish before you answer, sir?

BY THE COURT: Did you hear my question?

BY THE WITNESS: I did.

BY THE COURT: You couldn't hear me, counsel?

BY MR. MURPHY: No, sir, I couldn't, Your Honor.

BY THE WITNESS: I'm sorry.

BY MR. MURPHY: He interrupted was the reason I couldn't hear you finish.

[35] BY THE COURT: You know what the question was, don't you? I want to know if they paid any bonus salaries to a White teacher who would go into a Colored school, and he said they didn't.

BY MR. MURPHY: Thank you, sir.

MR. DEEN CONTINUES:

Q. Mr. Vincent, would you state whether or not you tailored your in-service programs to meet the needs of the teachers and others in this regard? A. We have done this. Of course, our in-service program, as I indicated, been desegregated a long time. Long before I came to Meridian they were desegregated in-service activities going on, but since this time we have focused particularly on this one problem and we have had consultants from all over the country who were available to us and we have, in our biracial in-service program, attempted to qualify ourselves to more effectively deal with this problem.

Q. What results did you obtain for the 1966-67 school year with regard to teacher or faculty desegregation? A.

That particular year, we had twenty teachers, I believe, who—Pardon me, did you say for '65?

Q. 1965-66, you had two that year on a voluntary basis? Before that plaintiff required you to? [36] A. Right.

Q. All right. 1966-67, you had how many? A. About twenty.

Q. Mr. Vincent, what about 1967-68? Was it more difficult or was it easier that year to obtain teachers to teach in a desegregated situation? A. Well, it was quite difficult to obtain. I think I might have misled you. I think your question was a year earlier. '67-68 was the year that I meant to say that we had twenty. Actually, we had twenty-two different people, but at one time twenty was the number of teachers teaching in a desegregated—

Q. Did I give a year too early? A. I think I did.

Q. All right, sir. Would you clarify that then? Let's start with the first year that you had the two. A. Well, that was the year '65-66.

Q. All right, what about '66-67? A. No, I'm still a year ahead of myself there, I believe. '67-68 was the year that we had the twenty.

Q. All right, sir. What about this year, '68-69? A. This year we have forty teachers teaching in, with an assignment in a school in which they are of the minority race. In addition to this, we have eleven staff personnel [37] who work in all schools, both traditionally Negro and traditionally White.

Q. Mr. Vincent, was it easier or more difficult to get teachers this year to teach in that situation than it was for '67-68? A. It was easier, partly because of our experience in the previous year, partly because we started recruiting teachers outside the Meridian district for this purpose.

Q. At first, you were recruiting from inside the district with the teachers you already had. Is that what I understand your testimony to be? A. That is correct.

Q. Now, have you discovered that there is any difference between the ease with which new teachers get along in this situation as compared to ones who had al-

ready been in the system? A. Fortunately, the colleges and universities are now providing some training for these young teachers who are coming out. They are gaining some orientation into the problems of teaching in a community that would be different to the one that they might have come up with. So, I would say that some of our better teachers in this area are new teachers now.

Q. Mr. Vincent, in the 1967-68 school year, were you able to fill all teacher vacancies? [38] A. No, sir. '67-68, we did not fill all of our vacancies.

Q. What did you do? A. There was a shortage of teachers and we used all of our resource of substitute teachers. We brought back into the teaching a number of people who had retired or who did not need to teach but was willing to under the circumstances. But we operated the schools the entire year short in some areas.

Q. Do you have now at the present time, some teachers both White and Negro, who would be willing to teach in a desegregated situation but which you have not been able to place because of some reason or other? A. Yes, sir.

Q. And what is that reason? A. In many cases, some of our better teachers we could not, we elected not to move them from the school which they were working because we could not satisfactorily replace them. They were key people in the particular schools, and we tried to maintain or improve the quality of education in every instance where we transferred people. Another reason that we didn't transfer some people—some were willing to transfer that we did not think would qualify.

[41] Q. Mr. Vincent, based upon your experience, your observation, and other work you have done with the Meridian school district, what is your best judgment about whether or not the freedom of choice plan is working?

BY MR. MURPHY: And I object, Your Honor. Calls for a—

BY THE COURT: I overrule that. Let him answer. [42] A. I'm looking at some figures here, Mr. Deen, that would indicate that the first year that we went into the program, in '65-66, we had twenty Negro students to choose traditionally White schools. The next year, 103.

BY THE COURT: Let me see. Let me get your first year.

A. The first year was 20. That was '65-66. This next year was 103 Colored children chose traditionally White schools. In '67-68, 253. In 1968-69, 457. There has been about 100% increase every year in both the faculty desegregation and the student population desegregation in schools.

BY THE COURT: Was that in all the schools or just some of the schools get that concentration of—

A. Just some schools, Your Honor. One school that was traditionally all White has an enrollment of 28% of the students are Negro. We have two schools—

Q. What school is that, please, Mr. Vincent? A. This is Chalk. The Chalk Elementary School.

Q. While you're on Chalk, would you describe for the Court, if you know, how that percentage has increased from '65-66 down to present. A. It moved from the first year it was 8.

Q. And what percentage was that of the enrollment? A. Two percent.

Q. All right, sir. [43] A. The next year 17 with 4%. The next year was 48 with 14%. This year there's 97 or 28%.

Q. Would you name for the Court, if you know, the other schools in the Meridian district, traditionally all White, at which there are now or have been enrolled Negro students. A. The Witherspoon Elementary School which serves one through six.

BY THE COURT: Could you give us a breakdown of all of them while you're at it? Does this man know that answer?

BY MR. DEEN: I think he does, Your Honor. I'll be glad to.

BY THE COURT: Why don't you take it school by school there and give us a breakdown, total student enrollment, how many Negro and how many White.

BY MR. DEEN: Very well, I'll be glad to, Your Honor.

Q. Taking the Chalk school, Mr. Vincent, you have given the enrollment of Negro students and percentages. Would you state to the Court the total enrollment of that school beginning with the year '65-66 coming on down through the four year period. A. The total enrollment in that school was 431 in 1965-66, with 8 of that group Negro children. In '66-67, it was 408 total, with 17 of that group Negro children. In 1967-68, 336 total enrollment, 48 Negro children. In 1968-69, there's a total of 352, ninety-seven of whom are Negro.

[44] Q. Would you take—

BY THE COURT: What would you say that's the cause of that growth in that school? Any particular reason?

A. Yes, sir, very definitely. The reason is that the children are getting the best education possible, they're being accepted. They go back, they're the best recruiters we have. We don't have to influence the choice if we do a good job within the school.

* * *

[47] Q. And what about Meridian High School? A. Meridian High School serves grades ten, eleven and twelve. In 1965-66, the total enrollment was 1654 with five of these Negro.

BY THE COURT: Is that the one that's got that good football team with that great big full back on it?

BY THE WITNESS: He enrolled the next year, Your Honor.

BY THE COURT: These traditionally White schools don't like to play him, do they?

BY THE WITNESS: No sir. We're having difficulty getting the schedule done.

BY THE COURT: I don't blame them from what I understand his operation is. Go on. Excuse me.

BY THE WITNESS: In 1966-67, there were 1689 children, 49 of whom were Negro. In 1967-68, there were 1780, one hundred thirty-two of these were Negro. In 1968-69, the total enrollment is 1842, two hundred and one of whom are Negro. I saw another figure that had that 199, I believe, so [48] somebody must have dropped out.

Q. To the best of your knowledge, the enrollment figure is 201 for Meridian High School for this year? A. This year. Eleven percent of the students in that school. This represents one out of every four Negro High School student in Meridian is attending an integrated school.

Q. Do you mean by that that out of the total Negro student high school population, one-fourth are attending this one particular school? A. Yes, sir.

Q. Mr. Vincent, do you have any judgment as to what increase, if any, there will be in faculty desegregation for next year under this plan? A. Mr. Deen, we have promises from a number of our teachers who have committed themselves in the best interest of public education in Meridian to agree to accept assignments in schools in which they would be in the minority with the understanding that they would have a choice of going back to the previous school the next year. Now, we have not used this type of persuasion very much up to now. Apparently, our teachers, this is being accepted in that more of our people are expected to accept the challenge.

Q. I note that from your testimony the number has doubled from twenty to forty or more from '67 to '68. Do you [49] expect it to double again at least for next year? A. I would think so. I would anticipate that it would. There is a level of acceptance of this freedom of choice plan now that would permit an accelerated increase.

Q. Are you speaking of community attitude or teacher attitude or what? A. Both, and student attitude, and everybody's acceptance.

• • •

[55] BY THE COURT: No, sir. My question was did any Colored child who got into a White school and wanted to withdraw, was there any instance where the request to withdraw was occasioned by any influence or pressure of any kind brought to bear on that child?

BY THE WITNESS: No, sir.

BY THE COURT: All right.

MR. DEEN CONTINUES:

Q. In your view, Mr. Vincent, will there be further integration of students in the future in Meridian? A. I think with the attitude of acceptance that we have in the community that you could assume this, definitely.

Q. What is your own view about it? What is your own best judgment about that? A. Well, I think so. I think it will accelerate

Q. Have you had any complaint from anyone in the district that any student does not have a free choice? A. I have not.

Q. Has the plan in Meridian been administered insofar as you know in accordance with the Jefferson decree? A. It has.

Q. And does that plan in your best judgment offer a realistic promise of continued success?

BY MR. MURPHY: I object, Your Honor.

[56] BY THE COURT: Restate your question.

Q. Does the Jefferson plan in the Meridian district offer a realistic promise, in your best judgment, of continued success in the future?

BY THE COURT: I overrule the objection. Let him answer.

BY MR. DEEN: Judge said you may answer.

A. Yes, I think it offers the best possible solution to the problem.

Q. And I'll ask you your reasons why you say that, Mr. Vincent? A. Well, it is working now very successfully and we think it will continue to do so because of the attitude of acceptance on the part of everybody. And

everybody's working to make it succeed and in such cases you don't normally fail.

BY THE COURT: Would any other plan accomplish a more rapid desegregation without doing some violence to your education processes?

BY THE WITNESS: I personally do not think it would. I do not think that any other plan would succeed as well as the plan that we are now using.

BY THE COURT: Would the pressure which would accompany any order for mixing have any effect on the community and the schools?

BY THE WITNESS: Yes, sir, I think there would be an adverse [57] reaction.

* * *

[73] *Direct Examination* of MRS. JEANIE RUTH CRUMP

BY MR. COMPTON:

Q. Please state your full name. A. My name is Jeanie Ruth Crump, C-r-u-m-p.

Q. Where do you live, Mrs. Crump. A. I live in Meridian.

Q. And how long have you lived there? A. I have lived there all of my life. I was born in Meridian.

Q. By whom are you employed? [74] A. I am employed by the Meridian Municipal Separate School District.

Q. And how long have you been so employed? A. I have been employed in the Meridian public school system since 1938, which makes thirty years.

Q. And what position do you now hold? A. I am now principal of the Wechsler Elementary School.

Q. Do you hold any academic degrees? A. Yes, I have a Bachelor of Arts degree from Rust College in Holly Springs, Mississippi, and I have a Master of Education and Administration from Tuskegee Institute.

Q. Do you have any additional work beyond the Master's degree? A. Yes. I have done classes at the Uni-

versity of Southern Mississippi and last summer I was enrolled at the University of Ole Miss in a project with Early Childhood Education, and I have also studied at Denver University.

Q. Are you a member of any professional organizations? A. Yes, I am a member of the National Education Association, and of the American Teachers Association, of The National Elementary Principals Association, The National Classroom Teachers Association, the Department of Early Childhood Education, a member of the Mississippi Teachers Association, the Fifth Educational District Association, the State Association of Principals and Supervisors, the Meridian [75] District Teachers Association.

Q. Do you hold any position at the present time with the Mississippi Association? A. Yes, at this time I'm Parliamentarian of the Mississippi Teachers Association and I'm Chairman of the Study Group Committee for the State Principals and Supervisors Association.

Q. Are you a member of any other commissions or committees? A. Yes. For three times I have served as Secretary of the Mississippi Teachers Association, and I have served as chairman of the program committee for the Mississippi Teachers Association, and at this time, as a member of the executive committee, I am also working on the merger committee for the merging of the MEA and the MTA.

Q. In short, the merger of the former Negro professional teachers organization and the former White teachers professional organization, into one? A. Yes. That is true. This has to be done, I believe. The proposals must be ready, I think it is, I'm not too sure, by April of 1969.

BY THE COURT: Is that a voluntary merger?

BY THE WITNESS: Well, Your Honor, maybe involuntary voluntary, I'm not sure, but well, we have to, if we're going to remain as members of the National Education Association.

[76] They have given us the ultimatum us to when we must have these.

BY THE COURT: No Court has ordered you to do this?

BY THE WITNESS: No, no.

MR. COMPTON CONTINUES:

Q. Are you a member of any Civil Rights organizations? A. I have been involved in Civil Rights since I was a child. I'm a protege of Mary McCall Bethune and Elenor Roosevelt and I have been since I was a youth and I still am.

Q. What Civil Rights organizations are you members at this time? A. I am a member of the NAACP. I'm a member of the Black Methodists of the United Methodist Church. I suppose that my husband has paid our dues in the Southern Christian Leadership. I'm a member of the Fellowship of the Concerned and I'm also a very active in the Board of Social Concerned of the Methodist Church, and also the National Council of Negro Women.

Q. In short, are you an active participant in Civil Rights movements? A. I am, because I do not feel that I could be really a leader, whatever that might be, of my people unless I was concerned about every aspect of their development. And since I have been old enough to have any idea I have [77] been concerned about the rights of my people.

Q. As principal of Wechsler, have you had a part in the administration of the freedom of choice plan adopted by the Meridian Municipal Separate School District? A. Yes, this is a part of my responsibility and I assume it in accordance with what is required. We have to send letters to the parents.

(BRIEF INTERRUPTION IN THE TESTIMONY.)

[78] Q. You sent letters to the parents? A. Yes, and we informed them in parent-teacher conferences; we informed them in the PTA meetings; we informed them through bulletins which were put out especially for our parents; and we informed them through the medium home-room mothers; we also informed them through the medium of teacher aides who do visitation in the homes of the

parents, along with the other media of communication through public facilities.

BY THE COURT: Let me ask you this. Are you familiar with this Jefferson decree that the Court has placed on the Meridian schools?

BY THE WITNESS: Well, yes, I know that we are under this, but, Your Honor, to say that I am very intelligently acquainted with it, I cannot say that. I do know that we are under its orders.

BY THE COURT: Are you familiar with the provision which keeps any teacher or official of the school from trying to persuade some child or parent to go into another school?

BY THE WITNESS: I am thoroughly intelligent of that, Your Honor, and very much aware and not only that but concur with this order.

BY THE COURT: You think that is the right course to pursue?

BY THE WITNESS: Yes, I'm very sure.

[79] BY THE COURT: So that hasn't interfered with you then, has it?

BY THE WITNESS: No, it has not. I think that this is the American way. I think if we're going to teach people to be intelligent thinkers, I think that this is a part of it.

BY THE COURT: I don't know whether you understood my question according to your answer.

BY THE WITNESS: Well, excuse me, Judge. Perhaps I didn't.

BY THE COURT: Let me read that provision to you so we'll be talking about the same thing.

BY THE WITNESS: Yes, sir, I'll be very happy.

BY THE COURT: It enjoins the school official not to influence choice. "At no time shall any official, teacher, or employee of the school system or any other person influence any parent or other adult person serving as a parent or any student in the exercise of a choice or penalize any person because of a choice made."

BY THE WITNESS: Yes, sir.

BY THE COURT: You understand what that says?

BY THE WITNESS: Yes, sir. Now, what was your question, Judge?

BY THE COURT: My question is to whether or not that has kept any teacher who wanted to advise some child what school to go to, has kept that teacher from trying to persuade that child to go to a school that the teacher thought the [80] child ought to go to?

BY THE WITNESS: Oh, yes, sir, Judge, it has. We have concurred with that, and no—

BY THE COURT: You obey that?

BY THE WITNESS: I agree to that.

BY THE COURT: Well, you did understand then?

BY THE WITNESS: Yes, sir.

BY THE COURT: All right.

(THE COURT CONTINUES:)

You say that you agree with that but yet you say you've been promulgating in your leadership in all these organizations for your race. You still think that you're not in a position to advise students that you have under your supervision as to the best qualifications or aptitudes of students?

BY THE WITNESS: Well, I thought you meant under the present order under which we have been working because this was against the law. We could not do that.

BY THE COURT: That's right. That's what Judge Cox just said.

You're under order that you cannot do it, but do you agree that that is the best, do you concur that that is good for the school?

BY THE WITNESS: Well, now I understand what you were talking about. I think perhaps maybe that there are occasions [81] where it would be well if this could be done. I think there are situations where the teacher or other officials might be able to help people to make decisions.

BY THE COURT: You are principal of a school that's 489—

BY THE WITNESS: That's right.

BY THE COURT: —all Colored, aren't you?

BY THE WITNESS: That's right.

BY THE COURT: If you did not have this restriction on you, would you try to influence some of them to go into previously all White schools?

BY THE WITNESS: No, I would not try to influence them, but I feel that maybe if this ban were not there and they asked me a suggestion, I might probably give them some information that might help them to make a decision.

BY THE COURT: But, you are in position to help them make a decision.

BY THE WITNESS: Yes, but,—that is true.

BY THE COURT: And would you have 489 pupils there all Colored if you thought that it would be best for them to go into one of these others, previously all White schools?

BY THE WITNESS: Well, now, if I thought it would be best for them to go into an all White school, but I don't feel that I really have that much authority as to say whether this would be best for them to go into an all White school, [82] because there are many things involved as to what would determine whether it would be best for a child to go into an all White school.

BY THE COURT: I imagine your lawyer is going to ask you that question, so I won't get into that.

MR. COMPTON CONTINUES:

Q. Mrs. Crump, in your work as principal, do you have a broad contact with the Negro community? A. Yes, I have a broad contact with the Negro community because the first place, that is my philosophy of administration, is that I must know the community and I must have broad contact and information about those with whom I am going to deal so closely and about those with whom I am going to work.

Q. In your work in Civil Rights organizations, do you have an even broader contact with the Negro community in your city? A. Yes, I have an even broader contact with them, stemming all the way back to the 1954 decision and all the way through because of the fact that you are dealing with all facets of the community, and you are dealing with all sections of the community and this is the way that you really have the opportunity to be somewhat of a liaison between all facets of the Negro community as well as all [83] facets of the all White community.

Q. With your broad contact with the entire Negro community, do you know of any fear of retaliation, any hostility, or any type of pressure that has been applied by the White community or by anyone to keep Negro children from choosing formerly all White schools? A. I do not personally know.

Q. Have you heard of any? A. I have not heard of any.

Q. Do you know of any violence, threats of violence or economic reprisals by Whites or anyone else against the Negro children to keep them from choosing formerly all White schools? A. Not since about the first year that this attempt was made, but not in the recent years. I would say not in the past four years, no.

Q. Not in the past how long? A. Not the past four years.

Q. Do you know of any public officials or school officials who has improperly influenced or sought to influence the choice of the Negro children? A. Not any.

Q. Do you know of any special fees that are assessed against the Negro children for courses that are available only to [84] Whites? A. No, I do not know of this, and I think it is not naive to say that this would hardly be practical because of the procedural program that we have in Meridian. This would not really be likely.

Q. Do you know of any special facilities or equipment that has been constructed or installed in Negro schools for the purpose of trying to keep the Negro children in these formerly all Negro schools? A. Well, this would

hardly be possible either, because of the procedures through which we have to go. All principals, first a requisition and the assessment of all facilities of every school in Meridian has to be done by the classroom teacher and then the principal, and then the requisitions are directed to the school board. But I would like to say here, too, that not only for myself but I think that the Negro principal has come more into the image of leadership that first place. I don't think that we would even let the White man think that he could fool us like this, not any longer.

Q. Are you aware of any effort or any practice by the Meridian Separate School District to discourage Negroes from choosing formerly all White schools? A. No. Not any.

[85] Q. State, in your opinion, whether or not there has been an honest, to goodness real freedom of choice in Meridian, Mississippi. A. Well, I believe that it has so far as I know.

Q. And in your position would you have heard of any complaints had they come? A. Yes, I'm very sure that I would have heard of them because the faction would have been given to me and I am sure that if we had we would have directed these to the superintendent and to the school board.

Q. How many teachers do you have in your school? A. Well, for a teaching staff, we have twenty-four. We have seventeen regular classroom teachers. We have one part-time librarian for this year. Last year she was full time librarian, but we do not have this many librarians in the elementary school this year, and of course, she is fifty-percent in our school. And we have part time speech therapisty, and we have a part time reading specialist, and we have a part time music teacher.

Q. What is the racial composition of your faculty? A. We have four regular classroom teachers, our librarian, the part-time librarian is a White librarian, and our speech teacher, part time, I mean—excuse me—reading specialist is a White teacher.

[86] Q. Did I understand you to say four full time classroom teachers plus these part time? A. Yes. We have

two second grade teachers. We have one fourth grade teacher; and we have one fifth grade teacher. Only one of these teachers is an imported teacher. The other three are Meridian teachers. They are native Meridianites.

Q Do you have any White students in your school? A No, not that we actually can say. It is said that perhaps we do have three White children but we are not able to prove this. So far as I know all of the children at Wechsler School are Black children.

Q In your opinion, will you ever have White students attending your school? A Yes, I think that we will have White children attending our school. Really, we would have had I think it was about four, one lives just two blocks from the school but the child's grandmother died, the father was a store owner, so they moved away, but she would have enrolled at Wechsler this year. We had three others but their parents were Navy people and so they were moved away. But I'm very sure that, in fact I think I could say I'm very sure, because the sentiment has already been expressed that some children are desirous of following a teacher [87] whom they had had in another school.

Q What reputation does your school bear in the community? A Well, it has rather a unique situation and of course the Black people feel that it is actually a contribution to Negro history. The school was established when the Meridian Separate Municipality was established. That's in 1888. And it came into being because of the fact that the school bond was to be floated and there was a Jewish Rabbi, Rabbi Wechsler, that name I'm sure is familiar to many educators, because I think it is his great-great-grandson who has done this Wechsler-Bennet test, but he was the Jewish Rabbi at that time. And as I understand it, as the history goes, that he stated to the school board that if they did not include a brick building for Negroes that he would canvas against the bond. And so this building was included. It's the first brick building in the state of Mississippi for the education of Negroes. Rabbi Wechsler, as the story goes, gave a thousand dollars of his own money in 1888 for the construction of this building. So, it was thus named. That is a Jewish name. And of course it has quite a sentiment there in this city, not only from

the standpoint of the Black people but also from the standpoint of the Jewish people.

Q You are really quite modest. Does your school not hold [88] and bear the greatest and highest of reputations in the city of Meridian? A Well, perhaps maybe that is true. But perhaps it is because of the program which goes on there. It may be that perhaps maybe if it had been written up, it might have some of the reputation as the schools which Sam Shepherd has done there in St. Louis. But we have realized that American Education is middle-classed. But we also realize that education emanates from the culture. And so these people have studied and they have been concerned about developing a school program which specifically meets the needs of the people in this community totally as a whole individual, intellectually, socially, mentally, and even so far as that's concerned, economically.

Q As an example, would you cite several for the Judge of programs that are being conducted in your school. A Well, we have special programs beginning with the parents, because a part of our philosophy is that we know that the parents are the hubs around which the school must run. And as I said before, schools are developed from culture and this means understanding the mores and the beliefs and those types of things as universal within a community. So we have a program which is geared specifically that parents might also be able to study and learn those [89] alternatives which they feel would be the best to change the education which likewise would change the behavior of their children and the community at large. So we have an adult education program which goes two nights a week, on Mondays and Tuesdays. This involves all the members of the family. We have the library open that the children may get their lesson and also that parents may use it for reading. It is open for the community at large to come in. Clubs may come in and hold their meetings in the library or in the reading room which we have set up to serve the community. In fact, the school is one of these that you might term as a community school. There are different types of schools, child centered, subject centered, but ours is basically community, and along with

that, child centered. Then we have a special program to meet children's needs. Our school is organized as a city. This is done specifically in order to teach the children how government is run. The corridors are all named as streets and avenues. Just yesterday, they had the election of the school mayor. Last week, they had the mayor out to explain what his duties were. We have a program going on now as experiment—

BY THE COURT: You want to be heard, counsel?

BY THE WITNESS: Pardon?

[90] BY MR. ANDERSON: I have an objection, Your Honor, that the narrative is irrelevant here, Your Honor.

BY THE COURT: Well, I believe I'm going to sustain it. It may be inclined to show whether or why the Colored people haven't left there to go to some of the White schools, but I think we've heard enough there. All right; let's go to something else.

(THE COURT CONTINUES:), I don't like to cut your speech short, though, because you are making a good speech.

BY THE COURT: I think so, too, but we have to move along.

BY THE WITNESS: Thank you.

MR. COMPTON CONTINUES:

Q Mrs. Crump, do you have a program in your school dealing with fatherless boys. And if so, tell the Court what it is, briefly. A Yes, we have a special program.

BY THE COURT: What's the relevancy of it?

BY MR. COMPTON: The relevancy of it, Your Honor, is to show to the Court a number of things. First, that this system is trying to meet the needs, the educational needs of the entire community. This happens to be one facet of it. Number two, it goes to show good faith from the part of this community and number three, that there's more to education than just mixing. And number [91] four, that we have seized the medal that Judge Wisdom keeps talking about, and we're trying to educate all the children in the community without regard to race. And

these people happen to be Black, they happen to have a special need and we're trying to meet that need.

BY THE COURT: I'll let her briefly state it.

BY THE WITNESS: Well, in brief, Judge, we know that this whole thing that we're having in education is based upon the culturally deprived and the educationally disadvantaged. And one of these, as all research says, is the lack of self image, and particularly of the male image. We are not trying to deny this. We're simply taking our people where they are and trying to move them in a direction which really OEO has made all these studies about.

BY THE COURT: Let me ask you this. You say that your freedom of choice has been working effectively in the Meridian Schools?

BY THE WITNESS: Yes, I think so, Judge.

BY THE COURT: Do you know of any other plan or program which would work more effectively and more quickly to desegregate the schools if they need desegregating without doing violence to the educational system?

BY THE WITNESS: Well, I have thought quite a bit about this pairing and zoning. I have much information because of [92] the fact that I have been in, I should think every state in the Union and I see many cities with it. Of course, I do not know enough about either one of them to say just exactly what would happen because I have no idea about what the zones would be nor what the pairs would be. I have seen situations where they took perhaps maybe one third grade class from a school and its teacher and sent it over to another school, a Negro school, and the Negro school sent the third grade teacher and its whole class over there. Of course, either one, Judge, I have no idea that it would cause any kind of real unusual confusion in the community of Meridian.

BY THE COURT: My question was that whether or not you know of any other plan that would be more effective than the freedom of choice without doing violence to the educational system itself.

BY THE WITNESS: I can't truthfully say that I do, because I don't know enough about the others. But I don't believe that I know of another one.

BY THE COURT: Have you been in Washington or New York or Chicago lately to see how their plans are working? You say you have been in all the states.

BY THE WITNESS: Yes, I have, and of course, well, I've been in all of them and the situations into which I went I found [93] that it, they had really carried them back further than when they began. I have a brother-in-law who teaches in Akron, Ohio. He's been there for seventeen years—oh, no, longer than that. About nineteen—and when he first started teaching in South High in Akron, I guess it was about 95% White, and I've kept up with the annuals and last year I got his and now it's I guess about perhaps maybe 93 Black.

BY THE COURT: It changed from 95 White to 93 Black?

BY THE WITNESS: That's right. That's right. And the annuals will even prove it, to show. But, of course, he does, too. Of course, in this case, they moved out.

BY THE COURT: Who moved out?

BY THE WITNESS: The people moved out from this particular community.

BY THE COURT: The Whites moved out?

BY THE WITNESS: Yes, the Whites moved out, and they moved further out from this community in Akron.

BY THE COURT: The same thing happened in Washington?

BY THE WITNESS: Yes, same thing happened in New York. Of course, the Bedford-Styvverson situation perhaps maybe is a little bit different, but it also goes back to your how the whole turn of the tide will be, and this probably might come about in the Black Revolution. You may see [94] this in Meridian, that this might come along. The Black people will finally want all Black teachers.

BY THE COURT: According to television they had a revolution in Chicago this morning.

BY THE WITNESS: Yes. Of course, they have them in Chicago every day.

BY THE COURT: I see. That's just in the model schools, though.

BY THE WITNESS: Pardon?

BY THE COURT: They just have that trouble where they have these model schools as I understand it.

BY THE WITNESS: In Chicago?

BY THE COURT: In Chicago and Washington.

BY THE WITNESS: Well, possibly so. I don't know too much about that. That might be just an opinion. Because I have relatives and friends and many of them I don't think would concur with that, and I don't know that much about it, to make such an opinion of statement about it like that.

MR. COMPTON CONTINUES:

Q. Mrs. Crump, you stated you've been with the Meridian system for thirty years. State what changes, if any, have been made since 1954, in the city school system with reference to whether it's dual or non-unitary. A. Well, of course, that's self-evident. In 1954, we know [95] that we had a dual system and I don't know whether this is irrelevant or not, but I think that's one of the reasons why I stayed in Meridian, because of the fact that I felt that it needed to, if it didn't do this on its own integrity that it would need to do it. I felt that this was this type of community. But in 1954, you know that we had this dual system of education. But so far as I'm concerned now, and my interpretation to the community is that we have a unitary system, and if any of our parents make reference to a White or Negro school, I say "No, we don't have such now. We have the Meridian Separate School District. We just have schools".

Q. Have you participated personally in mixed faculty, principal, and other professional meetings within the Separate School District? A. Well, it interests me greatly about the word mixed, because I think of how that I mix a cake, but we do have integrated faculty meetings. We've had integrated principals' meetings I guess for about twelve years. But not any of our professional meetings are anything but integrated. All of our teachers meetings are integrated. All of our principals meetings are integrated. In fact, all of our staff meetings are integrated.

Q. Does the school board ever visit your school? [96] A. Yes, the school board visits our school very often. Of course, sometimes I think perhaps maybe that we have become somewhat of a show place. But they visit it very often.

Q. And what do they do when they come into your building? A. Well, they come in as visitors and they come in also as persons who are a member of this particular family. They visit every classroom. They visit every facet of our program. They eat lunch, not with me, but they eat lunch with the children, and the teachers.

Q. The school board eats lunch in the cafeteria with the faculty and the children? A. Yes. The school board eats lunch in the cafeteria with the faculty and with the children. They sit at different tables and eat with the children and pursue conversations with the children about their school program and whatever they so desire.

Q. When was the last time the board was in your building? A. I believe it was about two weeks ago that the school board visited with us.

Q. Do you have an opinion as to whether freedom of choice is better for the Meridian Municipal Separate School District than any other plan that you know of?

BY MR. ANDERSON: Objection, Your Honor. That calls for a legal conclusion.

[97] BY THE COURT: I believe I'll let her answer. She's pretty experienced, I think.

A. Well, I personally—you asked for an opinion—and I personally think that at this time that this freedom of choice is working well, and I think that it will work even better; because, as I said before, I think that the community of Meridian has accepted this and I think that they are really more interested in good education and good teachers than they are Black and White.

Q. Are you familiar with the—

BY THE COURT: Excuse me just a minute. What was the last thing you said, whether they're Black or White?

A. I said I think that they are really more interested in a good educational program and professional prepared teachers than they are the matter of Black and White.

BY THE COURT: All right.

Q. Are you familiar with the attitude of the community as a whole, both Black and White, on the matter of race in Meridian? A. Yes, generally and specifically, too. Because, well, the first place, I'm very active in Church Circles and United Church Women, and I come in contact with, as I said, all facets of the community, both Black and White, and I think that their attitudes becoming those that they would [98] be proud of themselves.

Q. Would you state to the Court whether or not as a fact or not, there is presently good race relations between the Whites and the Blacks in Meridian. A. Well, yes, there is good relationships between the Whites and Blacks because it has been a procedural process, and it has been one of these things that just didn't happen. They were brought about. And it's to the point now that it will be, because as I have said before, the Negro in Meridian has become a thinking person. Those who are involved in Civil Rights and this kind of thing, and I think that they are going to demand this two way communication, that this is going to be.

Q. Have there been any riots or civil commotion between the races in Meridian, to your knowledge? A. Well, now, do you mean now, of—

Q. Street riots, yes. Anything of this sort with regard to this integration, desegregation of schools. A. No. Not that I know of.

Q. Tell the Court what you think the future holds for freedom of choice in Meridian, Mississippi, based upon your knowledge of the community, your experience, and your professional qualifications. A. Well, as I previously said, I think that the people in [99] Meridian are seriously considering this, and I don't think that the people in Meridian want any trouble. Now, they perhaps may be a little bit opinionated and they probably want to have maybe the world to see them in a light, and I think that they have integrity enough to preserve this. This is an

honest appraisal, and I don't think they want it for their own community if they can avoid it.

Q. Do you predict further faculty integration in Meridian? A. Pardon?

Q. Do you predict further faculty integration in the future in Meridian? A. Yes, I predict further faculty integration in Meridian, and I think it's possibly going to be faster than maybe what Mr. Vincent assesses it to be. I think this particularly in regard to the Negro teachers.

Q. Do you predict further student integration in Meridian? A. Yes, I predict that and I predict that there will be more, rather, there will be some students coming into Negro schools. I believe here, come the '69 session.

Q. That's all, Your Honor.

BY THE COURT: Is it your belief that the more integration of the faculty will assist in the integration of the students?

BY THE WITNESS: Excuse me, sir?

[100] BY THE COURT: Is it your opinion, or your belief that more White teachers into the previously all Colored schools will assist in better relationships?

BY THE WITNESS: Yes, Your Honor, I think so, and I think that this is going to also help the integration of the White children coming into the Negro schools.

BY THE COURT: All right. How about Colored teachers going into the White schools? Do you think that some of the students will follow them, the more that they go into the White schools?

BY THE WITNESS: I think perhaps that may be true, too, Your Honor, because I think that this is a two way process. And, of course, what we are having to come to understand in educational circles as well as in our society, that I think it is about, well our population, most of our population is under twenty-five, and we're dealing entirely with a new child, and children are concerned more about values than we give them credit for. So children are really looking for where the action is. They're not concerned about the color of the person, and, even in elementary school, they are hunting for teachers who know what they're doing.

BY THE WITNESS: Well, I'm in favor of the plan as it is now working as has been proposed. What I had hoped to say was that a result of my studies I had found more and not less segregation in Pittsburg than when I went there. If you define segregation by the number of Negro students attending schools which are predominently Negro, the number is gaining rapidly in Chicago and gaining in Pittsburg, gaining in St. Louis. Most of it has to do with the residential; most of it has to do with the influx of people in the communities. But the initial impact of this thing that I wrote was that only in the South is desegregation taking place, and that the large cities in America I think anybody that knows anything about it admits that. Mightily they've striven to get more desegregation, get away from the fact, though they have not succeeded.

BY THE COURT: Aside from making any comparisons with somebody else, what is your opinion as to whether or not reasonable [T-255] progress from a schoolman's view point, now, because we don't have any schoolman, I think on the Court of Appeals, of any kind of United States Court of Appeals. So, I'd like to know what your opinion is.

BY THE WITNESS: Well, I think it is a substantial compliance which I would favor. I think it is working. I think it's a reasonable plan. I like the fact that it's voluntary. I like the fact that the Negroes are selecting, are going into schools that were previously White. I think there's a chance of building up an enate respect between White and Negroes, when some of your better Negro students are transferred, or do transfer into the school with Whites. If I—I guess it's not pertinent.

* * *

[T-270] Q. In other words, you contemplate then, in the final analysis, the complete elimination of the dual school system? A. Oh, well, yes. Yes, the elimination of a dual system is entirely different in my feeling from elimination of Negroes going to predominently Negro schools and Whites going to predominently White schools.

Q. You say those are the same? A. They are different. You have presumably unitary systems in the North

and elimination of the dual system, but you do not have the other thing that you're talking about.

Q. Let's talk about Hinds County. A. All right.

Q. You've heard the testimony and are somewhat familiar with the facts here. In your opinion, has the dual school system been eliminated in Hinds County? A. Well, I would say that the approach to the elimination of a dual system certainly has been made.

Q. Has been begun? A. Has been begun, yes. At what precise moment you say now we are not a dual system, I wouldn't have enough expertness to testify on that.

* * *

[T-292] BY THE WITNESS: I was saying the most important thing is not really what organizational arrangement is being made, but rather who does carry out the arrangement. That is, if you have a Superintendent, Principals, and teachers who are highly hostile to the mingling of races, that would have a major impact on the children whatever plan you choose. If you have a Superintendent, Principals, and teachers, along with parents, who are favorable at least to give the children a free choice and allow them to develop by themselves, then I think the result would be the less pressures exercised, the more favorable it would be.

[T-293] Q. Now, would it increase as age goes up, the number of children who would select other associations? A. I would think so, yes. In particular this area, since we speak of this area, as the children grow older, probably the influence of the home which might very well be, according to the customs of this area, in favor of segregated living, that influence will pale and the children will rely more on themselves and they will be more interested in playing football with a boy who plays football well regardless of his color.

Q. Now, would the result be the same under an involuntary system where no free group association were permitted? A. You are now speaking of results in terms of association?

Q. In terms of association. A. Well, there have been on this a number of studies and I have a little experience myself. I would say that the result of an involuntary system will be resentment on all sides. Resentment both on the part of the Negroes and on the part of the Whites. In fact, I should think that the ultimate resentment on the part of Negroes may be greater even though they may originally have advocated precisely that system. I am speaking here from my own experience. What Negroes will resent is that they will be in association with people who they feel may be hostile [T-294] and resentful and may look down on them. One thing is to know that you are looked down upon in a general abstract way. Another thing is to be looked down upon every day by people with whom you're compelled to intimately associate. That is far more destructive and leads to far more resentment. There will be resentment if the achievement, for whatever reason, is differential. Of course, there will be resentment of the better achievers by the less good achievers. But the main resentment, and this has come now to the fore is that Negroes will feel that their own self identity based on either punitive or actual belief in an African past and customs of their own in ways of their own, of thinking, which they feel is as good as that of Whites, that this identity, this historical past, is being destroyed by this association. At least this feeling is now being very strongly expressed in New York by Negro groups who wish, in effect, have schools entirely under their control with the purpose of being able to give Negro pupils a pride of their own, an idenfity of their own, by having them taught very largely in terms of Negro past, by having them learn some Swahili, by, and so on.

BY MR. LIVINGSTON: Objection.

BY THE COURT: Yes, I sustain the objection. Go to something else now.

[T-295] Q. What are the educational effects of voluntary against involuntary group association? A. The point is that in voluntary associations the identity of each group is preserved, and each group feels that remaining identical and keeping the self image of which they are proud they are

establishing friendly relations with members of other groups. In involuntary association, one or both groups feel that they are robbed of their identity and in the weaker groups this is certainly true. In the stronger group it may not be true, but the feeling may still be there, and there will be mutual resentment.

Q. In your opinion, what would be the effect on educational achievement? A. I have to base myself here on studies made by others. I'll say this very simply, that in psychological terms, educational achievement particularly in the lower grades very largely is determined by the motivation of the child. Or to put it more strictly, given the capacities and motivations decisive. Assuming then that there is the capacity, if the first integration leads, as I believe it will, to resentment of the whole situation, this would be impairing as a motivation particularly of the groups that to begin with entered with a somewhat lower achievement. And the result would be that this achievement would be [T-296] further lowered. However, I do wish to qualify this. If the—well, you asked about forced integration, so I was going to qualify then the phase then the integration is not forced if it occurs with a consensus and these consequences need not occur.

* * *

[T-368] BY THE COURT: In your opinion, based on your training, Doctor, how would enforced integration at this time, the immediate, total integration of schools affect the Negroes of this country in view of this trend toward more self-identity?

THE WITNESS: It will lead, I think, to even greater demoralization than is already taking place, and it [T-369] will also lead to lower educational achievement.

* * *

STIPULATION

It is agreed by and between the parties hereto that the following stipulation may be introduced at the hearing of plaintiff's Motion for Supplemental Relief now set for hearing before the United States District Court for the Southern District of Mississippi, Jackson Division, on October 7, 1968, said stipulation being as follows:

1. That the Attorney General of the United States of America has not received any complaint from any parent or any pupil residing in the geographical area of the Hinds County School District or from anyone attending any of the schools in the Hinds County School District concerning or in any way pertaining to the operation of the present "desegregation plan" as now in effect in said Hinds County School District, and the present pending motion, hereinabove referenced, is not predicated upon or based upon any written complaints received from any such pupils or their parents.

2. That insofar as the operation of said freedom of choice plan now in effect in said Hinds County School District is concerned, the pupils and parents in said district have been free from any overt coercion, intimidation or interference from any parties in any way connected with the school system or from anyone else in connection with the school to which they make application to attend.

THIS DONE, this 25th day of September, 1968.

/s/ Robert C. Cannada
Attorney
Hinds County Board of Education

/s/ Gene Livingston
Attorney
Department of Justice

ORDER FOR CONSOLIDATION WITH UNITED STATES OF AMERICA v. HINDS COUNTY SCHOOL BOARD, ET ALS., CIVIL ACTION No. 4075, JACKSON DIVISION

Certain of the above styled causes came on to be heard on motion of defendants for the consolidation thereof (to the extent set forth in this order) with the *United States of America* v. *Hinds County School Board, et als.*, Civil Action No. 4075, Jackson Division, and the Court being of the opinion that the remainder of said causes should likewise be consolidated, the Court finds that:

1. The motions for supplemental relief pending in all of these actions involve common questions of law but the application thereof to each school district will differ. That much of the evidence upon the basic issue of effectiveness of desegregation plans is common to all districts which are parties defendant. A consolidation for the hearing of such motions for supplemental relief upon such common questions of fact and law will avoid unnecessary costs and delay and is authorized by Rule 42(a) of the Federal Rules of Civil Procedure.

2. Evidence upon such motions for supplemental relief as to the conditions within a given district, including good faith and the result of desegregation plans within each district and the application of the rules of law thereto, will present issues of law and fact which should be heard separately.

It is therefore ordered that all of the above styled causes are consolidated with *United States of America* v. *Hinds County School Board, et als.*, Civil Action No. 4075, Jackson Division, for the hearing of all of the motions for supplemental relief now pending. That the record made

in Civil Action No. 4075 upon such pending motion shall become a part of the record in all of the above styled causes without the necessity of a reproduction thereof, and will be considered to have been introduced herein at the separate hearings to be had upon the issues of law and fact not common to all actions.

ORDERED this the 19th day of August, 1968.

/s/ William Harold Cox
United States District Judge